

IN RE: PETITIONS FOR SPECIAL EXCEPTION * BEFORE THE
AND VARIANCE - E/S Rolling Road,
850' E of West Geipe Road * ZONING COMMISSIONER
(Catonsville Park)
1st Election District * OF BALTIMORE COUNTY
1st Councilmanic District * Case No. 96-35-XA
Baltimore County, Maryland - Owners;
American PCS, L.P. - Contract Lessee - Petitioners

* * * * *

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as Catonsville Park, located on the east side of Rolling Road at West Geipe Road in the vicinity of Baltimore National Pike in Catonsville. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., hereinafter referred to as APC, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on the subject property adjacent to an existing one-story equipment shelter. Also requested is a Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1A.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was

ORDER RECEIVED FOR FILING

Date

By

MICROFILMED

received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-McCune-Walker, Inc., and Andrew Werchniak, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consultanting firm. The Petitioner was represented by Christine K. McSherry, Esquire. Appearing as an interested party was Robert Hocutt, a representative of the Greater Patapsco Community Association.

In the site specific request by APC for the subject site, there was no specific opposition, although testimony was generally received in opposition to the request from J. A. Mann, Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County.

The subject Petition is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of

ORDER RECEIVED FOR FILING

Date

By

RECEIVED 11.10.11

communication. At the Catonsville site, the Petitioner proposes to install its antennae on an existing tower owned by Baltimore County. This tower is 400 feet in height and is located in the vicinity of Catonsville Park on land zoned D.R. 2. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 150 feet, roughly 1/3 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in the Catonsville area in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

ORDER RECEIVED FOR FILING

Date

By

10/25/95
[Signature]

RECEIVED

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 5E) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage industries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Catonsville location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See Schultz v. Pritts, 291, Md. 1 (1971).

The Petition for Variance should also be granted. In this case, the Petitioner requests relief to allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building. The unique characteristic of this property is the location of the existing tower. Again, the B.C.Z.R. expresses a preference for the installation of antennae on existing structures. Relocation of the tower elsewhere on the site is illogical and impractical. Based on the testimony and evidence offered, I am persuaded that the Petitioners have satisfied the require-

RECEIVED 11/25/75

ORDER RECEIVED FOR FILING
Date 11/25/75
By [Signature]

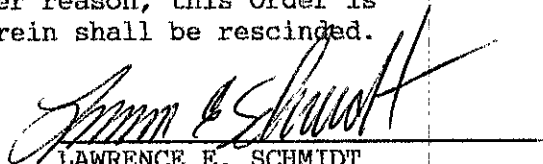
ments of Section 307.1 of the B.C.Z.R. and that the relief requested should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1B01.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.


LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

ORDER RECEIVED FOR FILING

Date 10/25/95

By [Signature]

Baltimore County Government
Zoning Commissioner
Office of Planning and Zoning



Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

(410) 887-4386

October 25, 1995

G. Scott Barhight, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Rolling Road, 850' E of West Geipe Road
(Catonsville Park)
1st Election District - 1st Councilmanic District
Baltimore County, Maryland - Owners, and
American PCS, L.P. - Contract Lessee - Petitioners
Case No. 96-35-XA

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

A handwritten signature in cursive script, appearing to read "Lawrence E. Schmidt".

LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

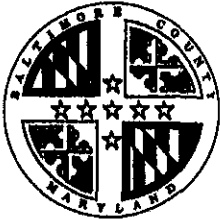
Margaret C. Ruggieri, Esquire, American PCS, L.P.
One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

Mr. Robert Hocutt, Greater Patapsco Community Assoc.
2615 Ridge Road, Baltimore, Md. 21244

People's Counsel; Case File

RECEIVED





Petition for Special Exception

to the Zoning Commissioner of Baltimore County

for the property located at East side of Rolling Road; 850' East of the intersection of Rolling Road and West Geipe Road

which is presently zoned D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Wireless transmitting and receiving facility

Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq. for
American PCS, L.P.

(Type or Print Name)

Signature

One Democracy Center
6901 Rockledge Drive

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature

Whiteford, Taylor, & Preston
210 W. Pennsylvania Avenue

Address

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

Legal Owner(s):

Baltimore County, Maryland

(Type or Print Name)

Signature

(Type or Print Name)

Signature

401 Bosley Avenue

Address

Phone No.

Towson, MD 21286

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

G. Scott Barhight, Esq.

Name

210 W. Pennsylvania Avenue

Address

Towson, MD 21204 832-2000

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL

OTHER

REVIEWED BY:

DATE

ORDER RECEIVED FOR FILING

Date

By

DROP-OFF
No REVIEW
7/26/95
HCR

Zoning Administration
& Development Management

Description
To Accompany Petition for
Special Exception and Variance
0.43 Acre Parcel
Part of the Lands of Baltimore County
East Side of Rolling Road
First Election District, Baltimore County, Maryland



Daft McCune Walker, Inc.

200 East Pennsylvania Avenue

Towson, Maryland 21286

410 296 3333

Fax 296 4705

A Team of Land Planners,

Landscape Architects,

Engineers, Surveyors &

Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from the intersection of the centerline of Rolling Road with the centerline of Old Frederick Road (1) Northeasterly along the centerline of Rolling Road 430 feet, more or less, thence leaving said centerline (2) South 87 degrees 00 minutes 00 seconds East 800 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 5990 feet, more or less, and West 38442 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running the four following courses and distances, viz; (1) South 87 degrees 00 minutes 00 seconds East 180.00 feet, thence (2) South 03 degrees 00 minutes 00 seconds West 105.00 feet, thence (3) North 87 degrees 00 minutes 00 seconds West 180.00 feet, thence (4) North 03 degrees 00 minutes 00 seconds East 105.00 feet to the point of beginning; containing 0.43 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES
ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 21, 1995

Project No. 94123.71

MICROFILMED



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

96-35-XA

District: _____ Date of Posting: 8/19/95
Posted for: Special Exception & Vandalism
Petitioner: Bell Co, MD
Location of property: 8501 E g Rolling Rd at Green Rd
Location of Signs: Facing roadway on property being zoned
Remarks: _____
Posted by: [Signature] Date of return: 8/25/95
Number of Signs: 1

1508-1800

THE UNIVERSITY OF CHICAGO

The Zoning Commission of Baltimore County is currently reviewing the application of the Zoning Ordinance of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

Case: #96-35-XA

(Item 33)
850' E. of intersection Roll-
ing Road and Geipe Road
1st Election District
1st Councilman

Legal Owner:
Baltimore County Maryland

**Licensed
Amelia P&S LP
Heating & Mechanical
Contractors**

1. 1. The first part of the document is a title page.

Species Extension for a wireless transmitting and receiving facility. Variance to allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building.

LAWRENCE E. SCHMIDT
Zoning Commissioner for
Baltimore County

NOTES: (1) Hearings are Handicapped Accessible; for Special accommodations, Please Call 887-3353

(2) If information concerning the file and/or hearing, please call 887-3391.

M133 May 10

TOWSON, MD., Aug 11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug. 10, 1927.

THE JEFFERSONIAN,

A. Henickson
LEGAL AD. - TOWSON

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT

96-35-154299
item #33 - XA
Drop-Off; No Review

DATE 7/26/95 ACCOUNT 9 001-6150

AMOUNT \$ 620.00 (WCR)

RECEIVED
FROM: American PCS, L.P.

FOR: #050 - SPECIAL EXCEPTION
#020 - VARIANCE
#080 - SIGN POSTING (2)
Rolling Road

01A01H0428MICHRC \$620.00
2A 6002-31FND7-27-95

DISTRIBUTION
WHITE - CASHIER

PINK - AGENCY

VALIDATION OR SIGNATURE OF CASHIER
YELLOW - CUSTOMER

Baltimore County Government
Department of Permits and Licenses



111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in
Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204
or
Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-35-XA (Item 33)

850' E of intersection Rolling Road and Geipe Road

1st Election District - 1st Councilmanic

Legal Owner: Baltimore County Maryland

Lessee: American PCS, L.P.

HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a wireless and transmitting and receiving facility.

Variance to allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building.

A handwritten signature in cursive script, appearing to read "Arnold Jablon".

Arnold Jablon

Director

Department of Permits and Development Management

- NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3353.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 33
Case No.: 96-35-XA
Petitioner: American Personal
Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely
W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

WCR/jw
Attachment(s)

MICROFILMED





Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 033 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
for Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

Microfilm

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, (33), 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51,
53, and 54. 19

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by:

Jeffrey W. Long

Division Chief:

Gary L. Kins

PK/JL

BALTIMORE COUNTY, MARYLAND
I N T E R O F F I C E C O R R E S P O N D E N C E

TO: Arnold Jablon, Director DATE: August 14, 1995
Zoning Administration and Development Management

FROM: *RWB* Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 14, 1995
Items 030, 031, 032, (033), 034, 035, 036, 037, 9
041 and 042

The Development Plans Review Division has reviewed
the subject zoning items and we have no comments.

RWB:sw

MICROFILMED

Baltimore County Government
Fire Department



700 East Joppa Road Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW

Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

8. The Fire Marshal's Office has no comments at this time,
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 28, 30, 31, 32, 33, 34, 35, 36,
37, 38, 39, 41 AND 42.

12

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office, PHONE 887-4881, MS-1102F

cc: File

MICROFILMED

RECEIVED

AUG 11 1995

ZADM

BALTIMORE COUNTY, MARYLAND

INTER-OFFICE CORRESPONDENCE

33

TO: Virginia W. Barnhart, County Attorney
Office of Law

Arnold Jablon, Director
Permits & Development Management

FROM: Fred Homan *SH*
Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDF transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity, therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

10/27/95 11:00 AM

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.
7825 Tuckerman Lane
Potomac, MD 20854
(301) 299-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- 3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
- 4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
- 5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.

The County's contractor is:

U.S. Towers
5263 Argo Drive
Frederick, MD 21701
(301) 874-5885

- 6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
- 7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FH:nav

c: Merreen E. Kelly
W. Michael Pitcher



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor, and Preston
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #33)
1st Election District


Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Plat says zoning is D.R.-2 and O.R.-1; petition says zoning is only D.R.-2. Add "O.R.-1" to the petition forms.
2. Need title of Baltimore County official (owner) and telephone number.
3. Need setback variance per Section 502.7.C.
4. Need prior hearing information for "existing 400" lattice tower.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,


John J. Sullivan, Jr.
Planner II
Zoning Review

Enclosure (receipt)

c: Zoning Commissioner

MICROFILMED




RE: PETITION FOR SPECIAL EXCEPTION * BEFORE THE
PETITION FOR VARIANCE *
850' E of intersection Rolling Road and * ZONING COMMISSIONER
Geipe Road, 1st Election District, *
1st Councilmanic * OF BALTIMORE COUNTY

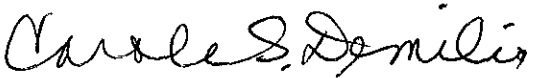
Legal Owner: Baltimore County Maryland * CASE NO. 96-35-XA
Lessee: American PCS, L.P. *
Petitioners *

* * * * *

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.


PETER MAX ZIMMERMAN
People's Counsel for Baltimore County


CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.


PETER MAX ZIMMERMAN

AUG 14 1995

DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

5-30-95

WCR

Councilman Mofley
wants on our letterhead
a narrative telling what
exactly is proposed in this
case. He wants it by
this afternoon.

His FAX
1012

MESSAGE CONFIRMATION
TRANSMISSION

AUG-31-1995 THU 11:15

96-35-XA

P-0000

TERM ID: 3ADU

TEL NO.: 410-887-5706

DATE	TIME	TOTAL TIME	ABSF CSD	ID	DEPT CODE	#PGS
08/31/95	11:15	00:02:30		1012		OK- 4 / NG- 0

BALTIMORE COUNTY, MARYLAND
Inter-Office Memorandum

DATE: August 31, 1995

TO: Councilman Moxley
First District

FROM: W. Carl Richards, Jr. *WCR*
Zoning Supervisor
Permits & Development Management

SUBJECT: Zoning Case #96-35-XA
Item #33

As per your inquiries, I am including copies of the petition and detail of the existing tower from the site plan in zoning case #96-35-XA. Baltimore County is the legal owner and American PCS, L.P. is the contract purchaser. The petition is for a special exception for a wireless transmitting and receiving facility and setback variance. As you can see from the detail, the proposed 6-panel antennas are proposed 150 feet at the 150-foot level of a 400-foot existing tower.

If you have any further questions, you can contact this office or the attorney for this case, G. Scott Barhight at 832-2000.

WCR:scj

Enclosures

Post-It™ brand fax transmittal memo 7671		# of pages ▶ 4
To: COUNCILMAN MOXLEY	From: CARL RICHARDS	
Co.	Co. PDM	
Dept. FIRST DISTRICT	Phone # 887-3391	
Fax # 887-1012	Fax # 887-5708	



Petition for Variance

to the Zoning Commissioner of Baltimore County

for the property located at East side of Rolling Road; 850' East of the Intersection
of Rolling Road and West Geipe Road

which is presently zoned D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (s) 1 BO1.2C1a

To allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty)

To be presented at hearing.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq. for
American PCS, L.P.

(Type or Print Name)

Margaret C. Ruggieri / smml

Signature

One Democracy Center
6901 Rockledge Drive

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

G. Scott Barhight / ckmc3

Signature

Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue

Address

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

DROP OFF
No REVIEW
7/26/95
LCR



Legal Owner(s):

Baltimore County, Maryland

(Type or Print Name)

[Signature]

Signature

Director of the Budget

(Type or Print Name)

Signature

401 Bosley Avenue

Address

Phone No.

Towson, MD 21286

City

State

Zipcode

Name, Address and phone number of representative to be contacted.

G. Scott Barhight, Esq.

Name

210 W. Pennsylvania Avenue

Address

Towson, MD 21204 (410) 832-2000

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____



76-35-XA 33

Petition for Special Exception

to the Zoning Commissioner of Baltimore County

East side of Rolling Road; 850' East of the intersection of Rolling Road and West Geipe Road

for the property located at _____

which is presently zoned D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management.

The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Wireless transmitting and receiving facility

Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser/Lessee:

Margaret C. Ruggieri, Esq. for
American PCS, L.P.

(Type or Print Name)

Signature

One Democracy Center
6901 Rockledge Drive

Address

Bethesda, MD 20817

City

State

Zipcode

Attorney for Petitioner:

G. Scott Barhight, Esq.

(Type or Print Name)

Signature

Whiteford, Taylor, & Preston
210 W. Pennsylvania Avenue

Address

Towson, MD 21204 (410) 832-2000

City

State

Zipcode

Legal Owner(s):

Baltimore County, Maryland

(Type or Print Name)

Signature

Director of The Budget

(Type or Print Name)

Signature

401 Bosley Avenue

Address

Phone No.

Towson, MD 21286

City

State

Zipcode

Name, Address and phone number of legal owner, contract purchaser, or representative to be contacted.

G. Scott Barhight, Esq.

Name

210 W. Pennsylvania Avenue

Address

Towson, MD 21204 832-2000

Phone No.

OFFICE USE ONLY

ESTIMATED LENGTH OF HEARING

unavailable for Hearing

the following dates _____ Next Two Months

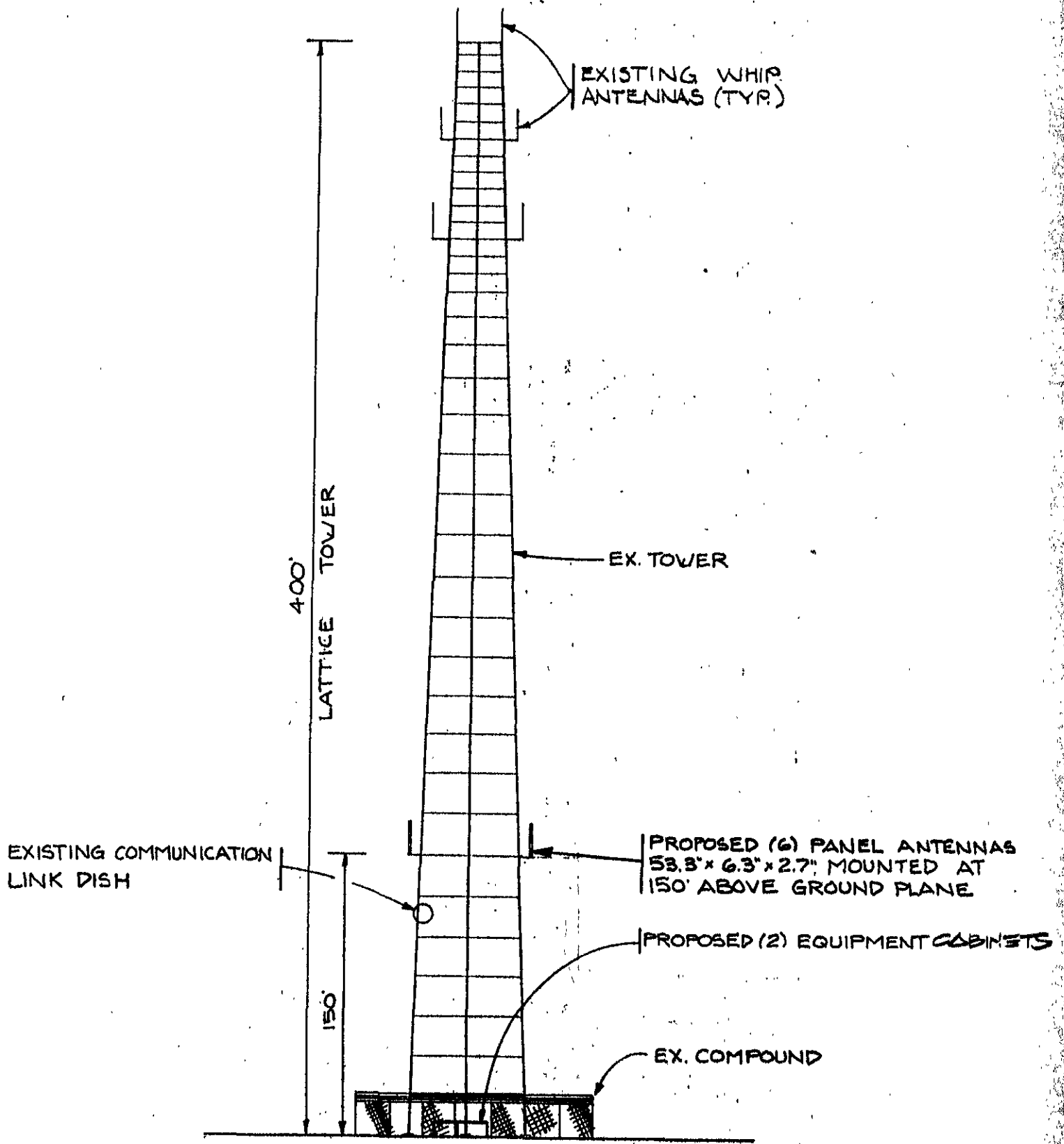
ALL _____ OTHER _____

REVIEWED BY: _____ DATE _____

DROP-OFF
No REVIEW
7/26/95
KCR

Zoning Administration
& Development Management

96-35-XA



EXISTING TOWER ELEVATION

N.T.S.

LIBER 10060 PAGE 709

RW 93-283-1,-2,-3,-4
J.O. "0"
Item 1 (E)

THIS DEED OF EASEMENT AND AGREEMENT, Made this 5th day of
October, in the year 1993, between LYONS MILL PARTNERSHIP, a General
Partnership organized under the laws of the State of Maryland, hereinafter
called "Partnership", party of the first part; and CHARLES CRANE, Mortgagee,
party of the second part; and BALTIMORE COUNTY, MARYLAND, a body corporate
and politic, hereinafter called "Baltimore County", party of the third part.

WHEREAS, Baltimore County is the owner of a tract of land in Baltimore
County, Maryland, described in Exhibit "A", attached hereto and made a part
hereof, on which it operates an emergency communication system from an
Antenna Communication Tower known as the Red Run Tower Site - Remote Site
No. 8 located on the Antenna Site (the "Antenna"), and

WHEREAS, the Partnership is the owner of the tract of land in Baltimore
County, Maryland known as Cascades Overlook Subdivision as recorded among
the Plat Records of Baltimore County in Plat Book S.M. 64, folio 126 (the
"Property") on which it will construct and operate apartment and condominium
residences, and

WHEREAS, The Partnership desires to grant unto Baltimore County a
certain easement for certain purposes as more fully set forth below on the
terms and conditions herein set forth.

NOW, THEREFORE, THIS DEED OF EASEMENT AND AGREEMENT WITNESSETH that in
consideration of the mutual promises and covenants herein contained the
Partnership grants and conveys unto Baltimore County, its successors and
assigns, an access easement of ingress and egress containing 1.5514 acres
(67,579.67 sq. ft.), more or less, across the Property from the entrance on

AGRICULTURAL TRANSFER TAX
NOT APPLICABLE

SIGNATURE Y/d

DATE 10/7/93

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

By Y/d

Date 10/7/93

MICROFILMED

LIBER 10060 PAGE 710

Lakeside Boulevard and Lathe Road to the Antenna for the use and purpose above stated as shown on Baltimore County Division of Real Estate Drawings Nos. RW 93-283-1, RW 93-283-2, RW 93-283-3, and RW 93-283-4, which are attached hereto and made a part hereof.

BEING a part of the property acquired by Lyons Mill Partnership by a Deed dated March 10, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9139, folio 272.

THE aforesaid Property being subject to a Mortgage dated November 1, 1992 and recorded among the Land Records of Baltimore County in Liber S.M. No. 9765, folio 567.

TO HAVE AND TO HOLD an easement over the above Property unto Baltimore County, Maryland, a body corporate and politic, its successors and assigns, for ingress and egress over the aforesaid Property from Lakeside Boulevard and Lathe Road to the Antenna Site, subject, however, to the following restrictive covenants agreed to by the parties hereto and binding upon their respective heirs, personal representatives, successors and assigns, as follows:

1. It is the intention of the parties that there be no right of public thoroughfare for vehicular traffic from the Property through the Antenna property and vehicular traffic will be limited to vehicles owned and operated by Baltimore County or its agents. Baltimore County covenants and agrees to use its best efforts to prevent the creation and/or use of the Property for purposes of establishing and/or maintaining any such thoroughfare.

LIBER 10060 PAGE 711

2. To the extent permitted in the Local Government Tort Claims Act by Sections 5-401 through 5-404 of the Courts and Judicial Proceedings Article (1981), Baltimore County, Maryland, on behalf of itself, their respective successors, assigns, and licensees, agrees to indemnify, protect and hold harmless the Partnership, its successors and assigns from and against any and all costs, liability, suits and expenses in respect of any and all loss of life, property, injury or damages to persons or property of any person, firm or corporation (including the parties hereto, their respective officers, agents, contractors, employees and licensees) and from and against any and all claims, demands and actions in respect to such loss, injury or damages caused by or growing out of this Easement, provided said costs, liability, suits, expenses, claims, demands and/or actions were caused by the negligence of Baltimore County, their respective successors, assigns and licensees, their respective officers, agents, employees, contractors or licensees.

3. The Partnership agrees to maintain the Easement Area in good condition and repair, keep same reasonably free of trash and debris and cause the removal of snow therefrom within a reasonable time after accumulation of snow at no cost to Baltimore County.

4. It is the intention of the parties that this Agreement and the covenants herein contained run with the respective and heretofore described tracts of land owned by the parties, and bind them and their respective heirs, personal representatives, successors and assigns, for the benefit of the other party and its heirs, personal representatives, successors and assigns, forever.

LIBER 10060 PAGE 712

THE said party of the second part joins in this conveyance solely for the purpose of consenting to and subordinating his lien of Mortgage to the hereinbefore described easement and for that purpose only, fully retaining his lien on the property described in his Mortgage.

AS WITNESS the due execution hereof by the aforesaid parties of the first, second and third parts.

TEST:

Barbara A. KSH

Barbara A. KSH

Barbara A. KSH

Mark Barber

LYONS MILL PARTNERSHIP

BY: Howard S. Brown (SEAL)
Howard S. Brown, Partner

BY: Charles Crane (SEAL)
Charles Crane, Partner

Charles Crane (SEAL)
Charles Crane, Mortgagee

BALTIMORE COUNTY, MARYLAND

BY: Roger B. Hayden (SEAL)
Roger B. Hayden
County Executive

STATE OF MARYLAND, BALTIMORE

, to wit:

I HEREBY CERTIFY that on this 29th day of September, in the year 1993, before me, the subscriber, a Notary Public of the State of Maryland, in and for the aforesaid, personally appeared HOWARD S. BROWN, Partner of LYONS MILL PARTNERSHIP, and he acknowledged the foregoing Deed of Easement and Agreement to be the act of said partnership.

AS WITNESS my Hand and Notarial Seal.

PATRICIA STEPP
NOTARY PUBLIC STATE OF MARYLAND
My Commission Expires July 11, 1994

Patricia Stepp
Notary Public

EXHIBIT "A"

Item 1
 Code No. 12-R--188
 J. O.
 District: 2

THIS DEED, Made this *12th* day of *August*, in the year Nineteen Hundred and Seventy-six, by and between BOARD OF EDUCATION OF BALTIMORE COUNTY, a body corporate of the State of Maryland, party of the first part; and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, party of the second part.

WITNESSETH, that in consideration of the sum of Five Dollars (\$5.00), and other good and valuable considerations, the receipt whereof is hereby acknowledged, the said party of the first part does grant and convey unto the said BALTIMORE COUNTY, MARYLAND, a body corporate and politic, its successors and assigns, in fee simple, all that lot of ground situate, lying and being in the Second Election District of Baltimore County, State of Maryland, and described as follows in accordance with a description prepared by Dollenberg Brothers, Registered Engineers on July 17, 1974, that is to say:

Beginning for the first thereof at a stone marked "2" heretofore set at the beginning of the ninth or North 58 degrees 10 minutes 40 seconds West 383.14 foot line of a parcel of land which by an Inquisition dated June 4, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr., No. 5451, folio 895 was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts and running thence with and binding on the ninth and tenth lines and on a part of the eleventh line of said parcel of land the three following courses and distances viz: North 58 degrees 10 minutes 40 seconds West 383.14 feet to the center of Dolfield Road, North 58 degrees 10 minutes 40 seconds West 147 feet to a flint stone and South 27 degrees 30 minutes 56 seconds West 366.60 feet, thence leaving said outline and running for lines of division the two following courses and distances viz: South 60 degrees 16 minutes East 1250.42 feet and North 29 degrees 45 minutes 50 seconds East 346.60 feet to intersect the eighth line of the aforesaid parcel of land which was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts and thence running with and binding on a part of said eighth line North 60 degrees 14 minutes 10 seconds west 735 feet to the place of beginning.

Containing 10.128 Acres of land more or less.

Beginning for the second thereof at a stone marked "4" heretofore set at the beginning of a parcel of land which by an Inquisition dated June 4, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 5451, folio 895 was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts and running thence with and binding on the first to fourth lines inclusive of said parcel of land the four following courses and distances viz: North 77 degrees 52 minutes 40 seconds East 348.40 feet

TRANSFER TAX NOT REQUIRED

12-17-76
 Walter R. Richardson

Recorder of Finance

Per: *B. E. L. L.*

Authorized Signature

Res 11-20-A

to a post, North 6 degrees 31 minutes 48 seconds East 912.59 feet to a black stone, North 6 degrees 52 minutes 46 seconds East 465.62 feet to a concrete monument and North 78 degrees 32 minutes 40 seconds East 608.42 feet to a concrete monument set within the 66 foot electrical transmission line right of way as set forth in a deed of Right of Way from William Roes and wife to the Consolidated Gas and Electric Light and Power Company of Baltimore dated November 1, 1928 and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 662 folio 34, thence binding within said right of way and running with and binding on the fifth line of the first hereinmentioned parcel of land, North 4 degrees 16 minutes 20 seconds West 183.42 feet to stone "P", thence running with and binding on the sixth and seventh lines of the aforesaid parcel of land which was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts, the two following courses and distances viz: North 71 degrees 07 minutes 30 seconds West 265.65 feet to stone "L" and South 76 degrees 51 minutes West 512.31 feet to a concrete monument, thence leaving said outlines and running for a line of division South 66 degrees 41 minutes 05 seconds West 1555.28 feet to a concrete monument set at the end of the seventh line of a parcel of land which by an Inquisition dated June 4, 1974 and recorded among the Land Records of Baltimore County in Liber E.H.K. Jr. No. 5451 folio 901 was acquired by the Board of Education of Baltimore County, Maryland from Marguerite A. Watts, thence binding reversely on the seventh, sixth and fifth lines of said parcel of land the three following courses and distances viz: South 39 degrees 22 minutes 24 seconds West 204.90 feet to a pipe, South 39 degrees 22 minutes 24 seconds West 105.10 feet to a concrete monument and South 50 degrees 37 minutes 36 seconds East 584.60 feet to the beginning of the last line of the aforesaid parcel of land which was acquired by the Board of Education of Baltimore County, Maryland from Edith Watts and thence running with and binding on said last line South 50 degrees 37 minutes 36 seconds East 833.68 feet to the place of beginning.

Containing 41.800 Acres of land more or less.

Subject to a 66 foot right of way for an electrical transmission line which was acquired by the Consolidated Gas, Electric Light and Power Company of Baltimore from William Roes and wife by a deed dated November 1, 1928 and recorded among the Land Records of Baltimore County in Liber W.H.M. No. 662 folio 34.

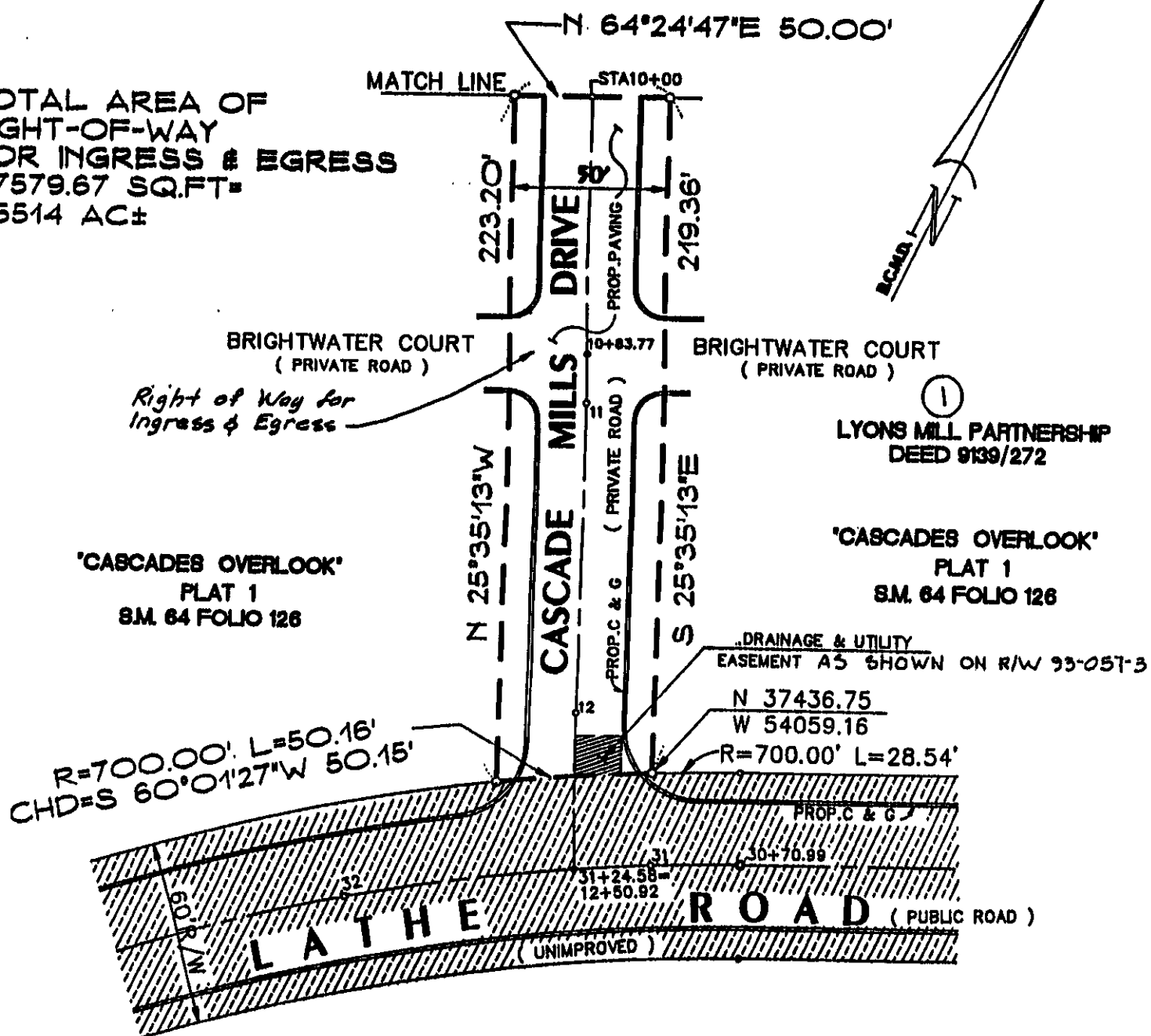
Being a part of the property acquired by the Board of Education of Baltimore County by the following Inquisitions viz:

1. Inquisition dated June 4, 1974 and recorded among the land records of Baltimore County in Liber E.H.K. Jr., No. 5451, folio 895 from Edith Watts.
2. Inquisition dated June 4, 1974 and recorded among the aforesaid land records in Liber E.H.K. Jr., No. 5451, folio 901 from Marguerite A. Watts.

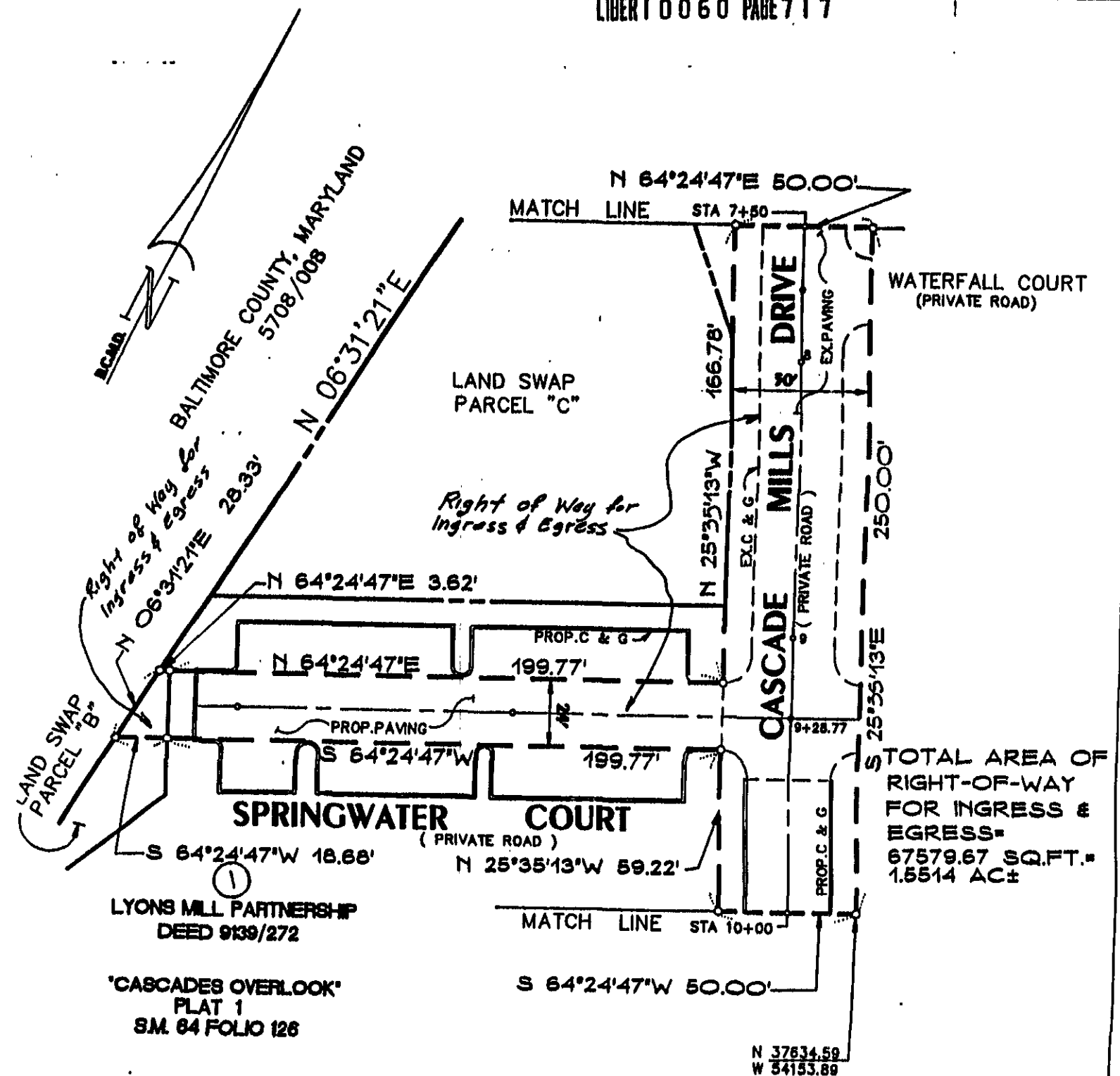
TOGETHER with the buildings and improvements thereupon erected, made or being, and all and every the rights, alleys, waters, ways, privileges, appurtenances and advantages to the same belonging or in anywise appertaining.

TO HAVE AND TO HOLD the said lot of ground and premises above described and mentioned, and hereby intended to be conveyed; together with the rights, privileges, appurtenances and advantages thereto belonging or appertaining unto and to the proper use and benefit of the said Baltimore County, Maryland, a body corporate and politic, its successors and assigns, in fee simple, SUBJECT, HOWEVER, to the following restrictions which shall be covenants running with the land:

TOTAL AREA OF
RIGHT-OF-WAY
FOR INGRESS & EGRESS
67579.67 SQ.FT.
1.5514 AC±



BALTIMORE COUNTY		OFFICE OF LAW		DIVISION OF REAL ESTATE	
DISTRICT NO. 2C3	POSITION SHEET NO. 38 NW 38	FEDERAL PROJECT NO. OR MARYLAND PROJECT NO.			
CONSTRUCTION PLAN NO.					
APPROVED _____ ROAD ENGINEER	AREA TO BE ACQUIRED	EXISTING COUNTY RW	DATE 5/27/93		
DATE _____	REVERTIBLE SLOPE EASEMENT	AREA TO BE RELEASED	SHEET 1 OF 4		
APPROVED _____ CHIEF OF REAL ESTATE	TEMPORARY CONSTRUCTION AREA	TEMPORARY SLOPE EASEMENT	SCALE: 1" = 50'		
DATE 9-24-93	ITEM NO.	RECORDED	DRAWN BY R.D.	B.C. JOB ORDER NO. '0'	
APPROVED _____ SUPERVISOR OF DRAFTING			PLAT CHECKED f.e.	R/W 93-283-1	
DATE 9-24-93			AREA CHECKED L.O. 9/24/93		
			TITLE CHECKED R.M.		



TIMORE COUNTY		OFFICE OF LAW		DIVISION OF REAL ESTATE	
TRACT NO. 2C3	POSITION SHEET NO. 38 NW 36	CONSTRUCTION PLAN NO.		FEDERAL PROJECT NO. OR MARYLAND PROJECT NO.	
DATE	NOV 1997	DRAWN BY R.D.		DATE 5/27/97	
NOV 1997	CHIEF 9-DESIGNER REAL ESTATE	PLAY CHECKED		SHEET 2 OF 4	
NOV 1997	SUPERVISOR OF DRAFTING	AREA CHECKED		SCALE: 1" = 50'	
		TITLE CHECKED		B.C. JOB ORDER NO. 40	
				R/W 93-283-2	

Baltimore County, Maryland Land Instrument Intake Sheet

(Type or print in black ink only—all copies must be legible)

In compliance with Baltimore County Code, 1978, Title 33, Taxation, Article III, §33-126 through 33-140, as amended, and the Annotated Code of Maryland, Tax-Property Article, §12-101 through 12-113, as amended, and Tax-Property Article, §13-101 through 13-408, as amended, it is certified that an instrument of writing dated 10/7/93 conveying title to, or creating liens or encumbrances upon, real or personal property is offered for record in the County. The property conveyed, or on which a lien or encumbrance is created, is identified as follows:

Space Reserved for Circuit Court Clerk Recording Validation

#25507 C002 R02 T07:
10/08/

1	Description of Property (Check box(es) for item(s) to be indexed in land records)	<input type="checkbox"/> Property Tax ID # <input type="checkbox"/> Easement <input type="checkbox"/> Subdivision/Tract <input type="checkbox"/> Lot/Block <input type="checkbox"/> Lot Acreage <input type="checkbox"/> Map/Grid/Parcel No. <input type="checkbox"/> Prior Deed Ref. 9139/272 <input type="checkbox"/> VAR. L.O.G. <input type="checkbox"/> Street Address (or description if partial conveyance) Access easement of ingress & egress cont 1.5514 ac (67,379.67 sq ft)																																
2	Transferred From	Grantor(s) (<input type="checkbox"/> check box if additional sheets are attached) LYONS HILL PARTNERSHIP Owner of record (if different from grantor)																																
3	Transferred To	Grantee(s) (<input type="checkbox"/> check box if additional sheets are attached) Baltimore County, Maryland																																
4	Type of Instrument	<input type="checkbox"/> Deed <input type="checkbox"/> Deed of Trust <input type="checkbox"/> Mortgage <input type="checkbox"/> Lease <input type="checkbox"/> Assignment of Mtg/DOT <input type="checkbox"/> Contract <input type="checkbox"/> Land Installment Cont. <input type="checkbox"/> Power of Attorney <input checked="" type="checkbox"/> Financing Statement <input checked="" type="checkbox"/> Other (Specify) EASEMENT																																
5	Exemptions (Cite authority or explain briefly)	Baltimore County Exempt Status Claimed: Recordation Tax Exempt Status Claimed: State Exempt Status Claimed: 33-139 (a)(1) TO GOVERNMENT																																
6	Consideration and Tax Calculations Make check payable to Baltimore County, MD (410) 887-2416	<table border="1"><thead><tr><th colspan="2">Consideration Amount</th><th colspan="2">County Taxes to be Paid</th></tr></thead><tbody><tr><td>Purchase Price/Consideration (including any new mortgage)</td><td>\$</td><td>Transfer Tax Consideration</td><td></td></tr><tr><td>Real Property</td><td></td><td>\$ x 1.6% =</td><td>\$</td></tr><tr><td>Personal Property</td><td></td><td></td><td></td></tr><tr><td>Balance of Assumed Mortgage</td><td></td><td></td><td></td></tr><tr><td>Other</td><td></td><td></td><td></td></tr><tr><td>Total Consideration</td><td>\$</td><td></td><td></td></tr><tr><td>or Assessed Factor</td><td>\$</td><td></td><td></td></tr></tbody></table> <div>Office of Finance Use Only Agent: <u>ph</u> Tax Bill: <u> </u> C.B. Credit: <u> </u> Ag. Tax/Other: <u> </u></div>	Consideration Amount		County Taxes to be Paid		Purchase Price/Consideration (including any new mortgage)	\$	Transfer Tax Consideration		Real Property		\$ x 1.6% =	\$	Personal Property				Balance of Assumed Mortgage				Other				Total Consideration	\$			or Assessed Factor	\$		
Consideration Amount		County Taxes to be Paid																																
Purchase Price/Consideration (including any new mortgage)	\$	Transfer Tax Consideration																																
Real Property		\$ x 1.6% =	\$																															
Personal Property																																		
Balance of Assumed Mortgage																																		
Other																																		
Total Consideration	\$																																	
or Assessed Factor	\$																																	
7	Fees and Recording Instructions Make check payable to Clerk of the Circuit Court (410) 887-2650	<table border="1"><thead><tr><th colspan="2">Recording Fees</th><th>Special Recording Instructions (if any)</th></tr></thead><tbody><tr><td>Recording Charges</td><td>\$</td><td></td></tr><tr><td>State Transfer Tax</td><td></td><td></td></tr><tr><td>County Recordation Tax</td><td></td><td></td></tr><tr><td>Surcharge</td><td></td><td></td></tr><tr><td>Other</td><td></td><td></td></tr><tr><td>Total</td><td>\$</td><td></td></tr></tbody></table>	Recording Fees		Special Recording Instructions (if any)	Recording Charges	\$		State Transfer Tax			County Recordation Tax			Surcharge			Other			Total	\$												
Recording Fees		Special Recording Instructions (if any)																																
Recording Charges	\$																																	
State Transfer Tax																																		
County Recordation Tax																																		
Surcharge																																		
Other																																		
Total	\$																																	
8	Contact/Mail Information	<table border="1"><thead><tr><th>Instrument Prepared By</th><th>Return Instrument To</th><th>Mailing Address for Tax Bill</th></tr></thead><tbody><tr><td>Name: Office of Law</td><td>Name: Office of Law</td><td>Name:</td></tr><tr><td>Firm: Div of Real Estate</td><td>Firm: Div of Real Estate</td><td></td></tr><tr><td>Address: 111 W. Chesapeake</td><td>Address: 111 W. Chesapeake</td><td>Address: Old Courthouse</td></tr><tr><td>Towson, MD 21204</td><td>Towson, MD 21204</td><td>Towson, MD</td></tr><tr><td>Phone: 887-3284</td><td></td><td>21204</td></tr></tbody></table>	Instrument Prepared By	Return Instrument To	Mailing Address for Tax Bill	Name: Office of Law	Name: Office of Law	Name:	Firm: Div of Real Estate	Firm: Div of Real Estate		Address: 111 W. Chesapeake	Address: 111 W. Chesapeake	Address: Old Courthouse	Towson, MD 21204	Towson, MD 21204	Towson, MD	Phone: 887-3284		21204														
Instrument Prepared By	Return Instrument To	Mailing Address for Tax Bill																																
Name: Office of Law	Name: Office of Law	Name:																																
Firm: Div of Real Estate	Firm: Div of Real Estate																																	
Address: 111 W. Chesapeake	Address: 111 W. Chesapeake	Address: Old Courthouse																																
Towson, MD 21204	Towson, MD 21204	Towson, MD																																
Phone: 887-3284		21204																																
9	Certification	I hereby certify under the penalties of perjury that the information given above is true to the best of my personal knowledge and belief. Signature: <u>James T. D. Money</u> Date: <u>10/8/93</u>																																
10	Assessment Information (410) 321-2299	IMPORTANT: BOTH THE ORIGINAL DEED AND A PHOTOCOPY MUST ACCOMPANY EACH TRANSFER <table border="1"><tr><td>Yes</td><td>No</td><td>Will grantee be living at property conveyed?</td></tr><tr><td>Yes</td><td>No</td><td>Is grantor currently receiving a homeowners' tax credit?</td></tr><tr><td>Yes</td><td>No</td><td>Is property conveyed subject to agricultural transfer tax? If yes, enter amount: _____</td></tr><tr><td>Yes</td><td>No</td><td>If agricultural assessment on conveyance is to continue, have you attached a letter of intent?</td></tr><tr><td>Yes</td><td>No</td><td>Partial conveyance? If yes, amount of acreage transferred: _____</td></tr><tr><td colspan="3">List improvements conveyed: _____</td></tr><tr><td colspan="3">If subdivision occurred after July 1, indicate former property tax ID number: _____</td></tr></table> <div>Optional Expediting Information <input type="checkbox"/> Yes <input type="checkbox"/> No Was property surveyed? If yes, attach copy of survey. If partial conveyance, balance of acreage: _____ Complete description of property conveyed (subdivision, lot, block, section, plat ref., acreage): _____ Location and improvement address: _____</div> <div>Assessment Use Only - Do Not Write Below This Line <table border="1"><tr><td><input type="checkbox"/> Terminal Verification</td><td><input type="checkbox"/> Deed Plotter</td></tr><tr><td><input type="checkbox"/> Agricultural Verification</td><td><input type="checkbox"/> Deed Reference</td></tr><tr><td><input type="checkbox"/> Tran. Process Verification</td><td><input type="checkbox"/> Assigned Property No</td></tr><tr><td><input type="checkbox"/> Whole <input type="checkbox"/> Desc. <input type="checkbox"/> Part</td><td></td></tr></table></div>	Yes	No	Will grantee be living at property conveyed?	Yes	No	Is grantor currently receiving a homeowners' tax credit?	Yes	No	Is property conveyed subject to agricultural transfer tax? If yes, enter amount: _____	Yes	No	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?	Yes	No	Partial conveyance? If yes, amount of acreage transferred: _____	List improvements conveyed: _____			If subdivision occurred after July 1, indicate former property tax ID number: _____			<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Deed Plotter	<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Deed Reference	<input type="checkbox"/> Tran. Process Verification	<input type="checkbox"/> Assigned Property No	<input type="checkbox"/> Whole <input type="checkbox"/> Desc. <input type="checkbox"/> Part				
Yes	No	Will grantee be living at property conveyed?																																
Yes	No	Is grantor currently receiving a homeowners' tax credit?																																
Yes	No	Is property conveyed subject to agricultural transfer tax? If yes, enter amount: _____																																
Yes	No	If agricultural assessment on conveyance is to continue, have you attached a letter of intent?																																
Yes	No	Partial conveyance? If yes, amount of acreage transferred: _____																																
List improvements conveyed: _____																																		
If subdivision occurred after July 1, indicate former property tax ID number: _____																																		
<input type="checkbox"/> Terminal Verification	<input type="checkbox"/> Deed Plotter																																	
<input type="checkbox"/> Agricultural Verification	<input type="checkbox"/> Deed Reference																																	
<input type="checkbox"/> Tran. Process Verification	<input type="checkbox"/> Assigned Property No																																	
<input type="checkbox"/> Whole <input type="checkbox"/> Desc. <input type="checkbox"/> Part																																		

TRANSFER TAX NOT REQUIRED
BALTIMORE COUNTY MARYLAND
Director of Finance
Per Debra M. Kelly
Authorized Signature
Date 10-7-93 Sec. 33-139 A

Liberty Road Community Council, Inc.

3801 Lochearn Drive

Baltimore, MD 21207-6363

September 5, 1995

Hon. Lawrence E. Schmidt

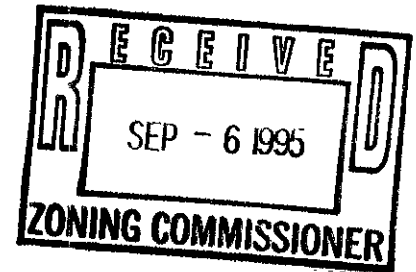
Baltimore County Zoning Commissioner

Ste. 113 Courthouse

400 Washington Avenue

Towson, MD 21204

Dear Mr. Schmidt,



I am unable to attend the hearings relative to 96-33-A, 96-34-X, 96-35-XA, 96-36-SPHX, 96-37-XA, 96-38-SPHX, 96-39-XA, to be heard on September 5, 1995, at 11:00 A.M., wireless transmission towers.

We are particularly concerned about the proximity of these towers to homes and schools. There are three towers proposed in close proximity, on or near Liberty Road, 96-33-A, 96-38-SPHX, and 96-39-XA.

The Liberty Road Community Council, Inc., at its Board meeting on August 30, 1995, expressed concern about interference with telephone and television transmission, among other issues.

Issues involving the health of the citizenry should be open to the public in the form of a Public Hearing, prior to a zoning hearing. There has been no opportunity for information relative to the impact of these towers on health and safety.

I know, now, that the county officials are not looking out for our health and safety, or welfare, because of the lack of water for fire-fighting purposes. I am not going to rely on them in this instance, either.

The large amounts of largesse generated by these telecommunications towers must be shared by the communities. Obviously, Baltimore County Government as owner of the land, will share in these enterprises at the expense of the populace.

MICROFILMED

Liberty Road Community Council, Inc.

Page 2.

The importance of this issue is far too great and broad to be settled by zoning variances and special exceptions, alone.

Sincerely,

A handwritten signature in cursive script, appearing to read "Judith Berger".

Judith Berger, President

Liberty Road Community Council, Inc.

cc:Hon. C."Dutch" Ruppertsberger

Hon. Kevin Kamemetz

Mr. Barry Schleifer, Liberty/Randallstown Coalition

Mrs. Ella White Campbell

cc:Hon. C."Dutch" Ruppertsberger

Environmental Impact Statement

Catonsville Tower American PCS Site

August 1995

Project No. 94123.71

Prepared for:

American PCS, L.P.
One Democracy Center
Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

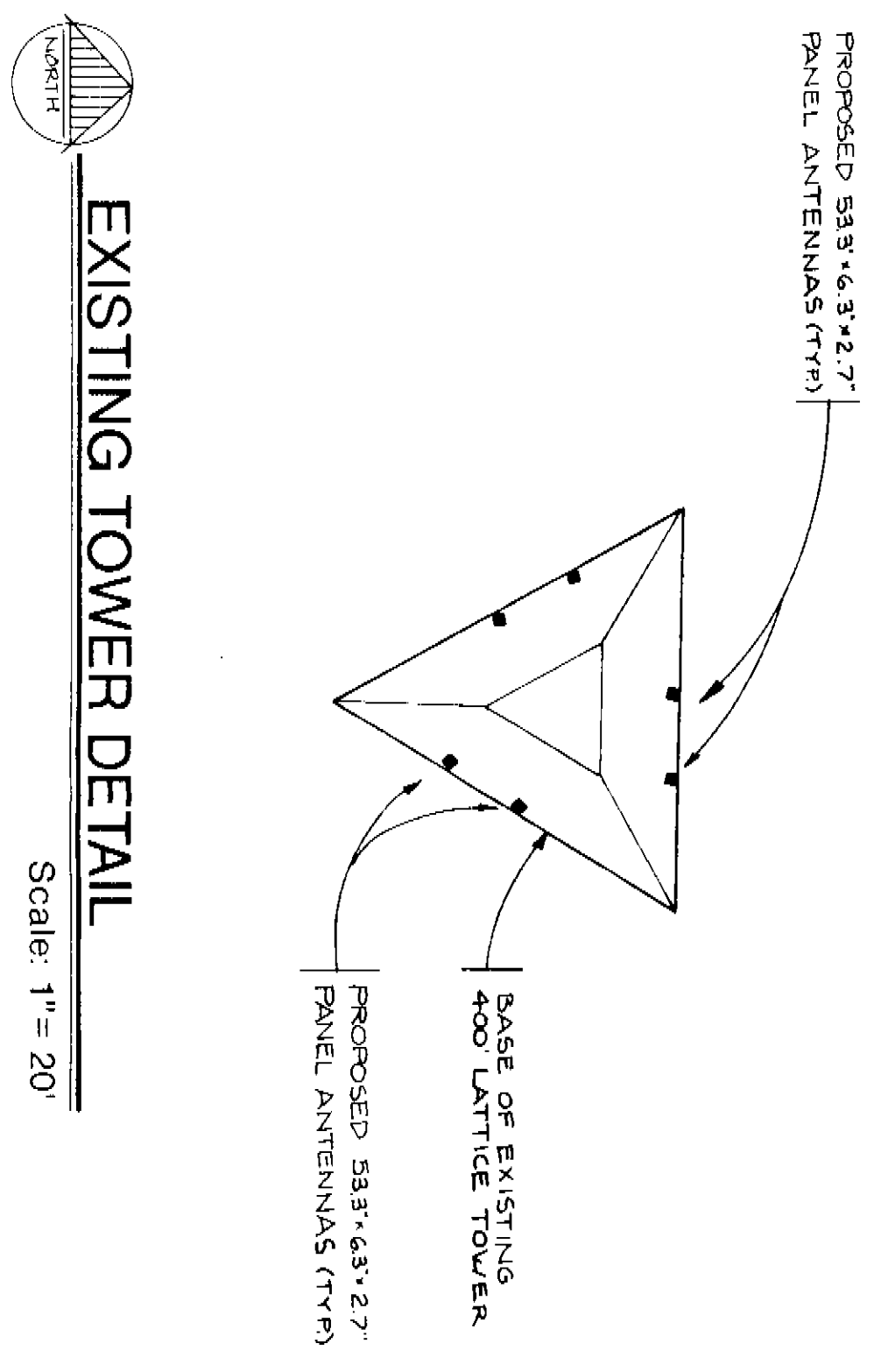


Prepared by:

Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

Box 5E

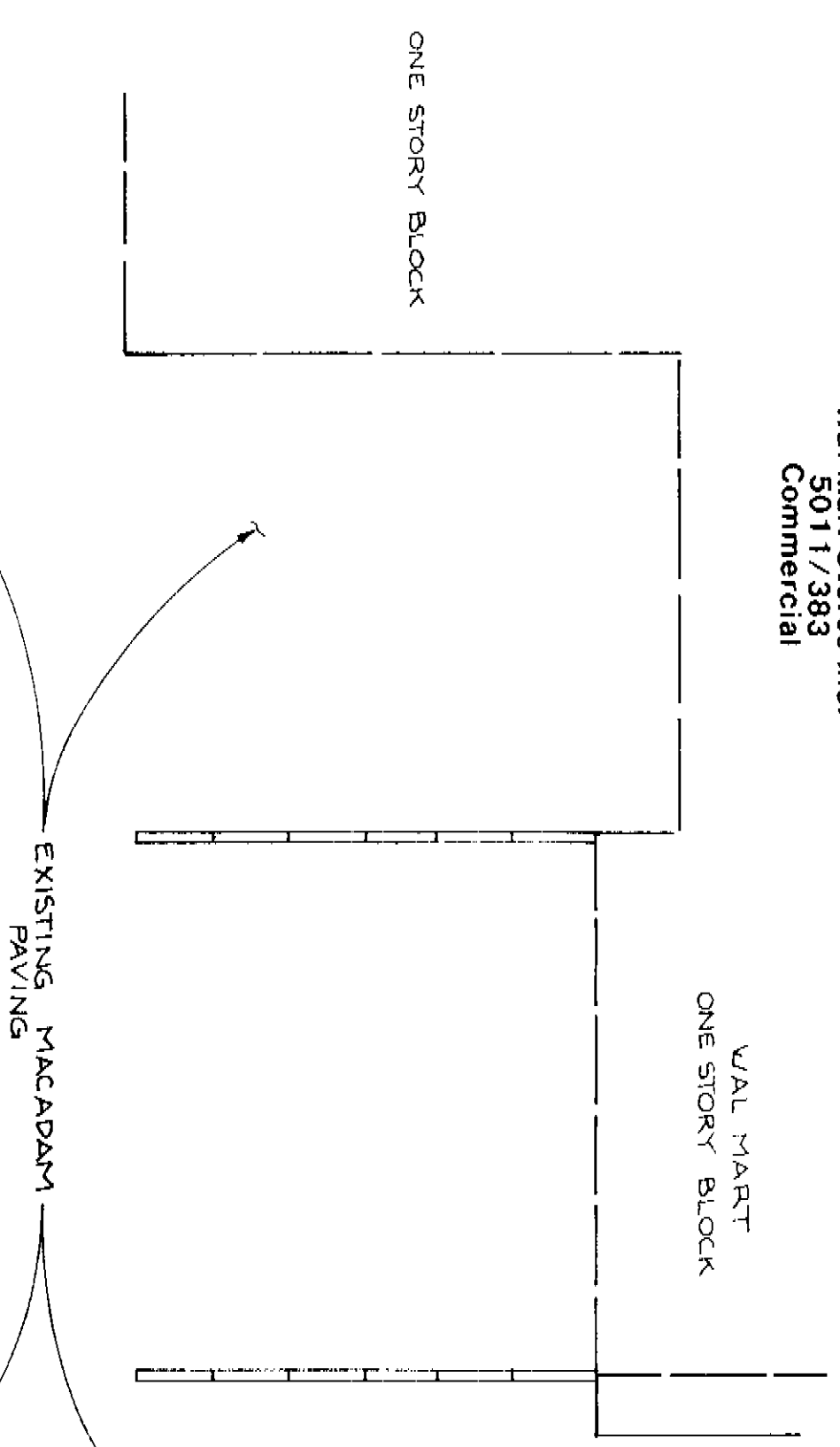
4102951MED



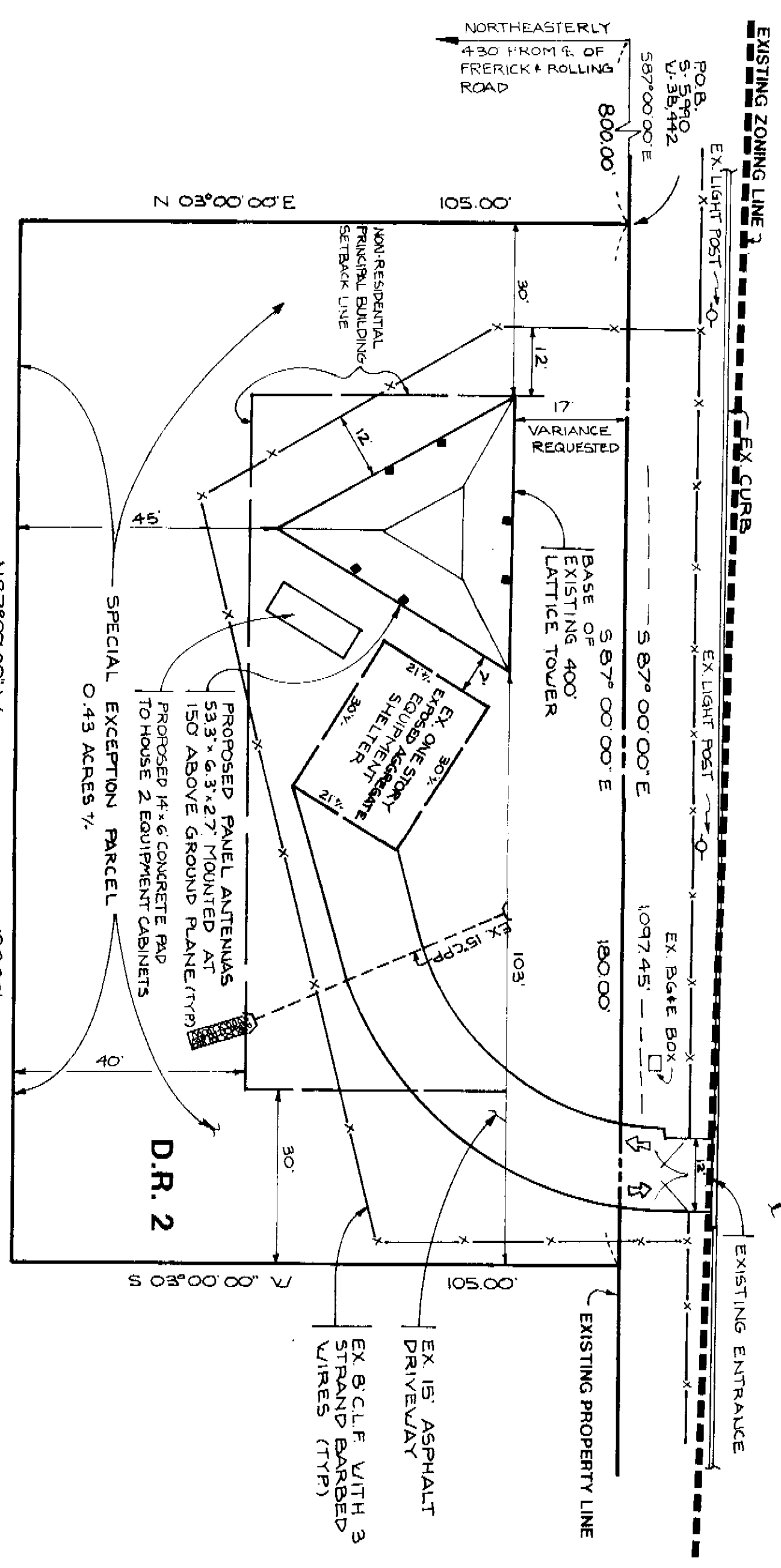
EXISTING TOWER DETAIL

Scale: 1" = 20'

Wol Mart Stores Inc.
5011/383
Commercial



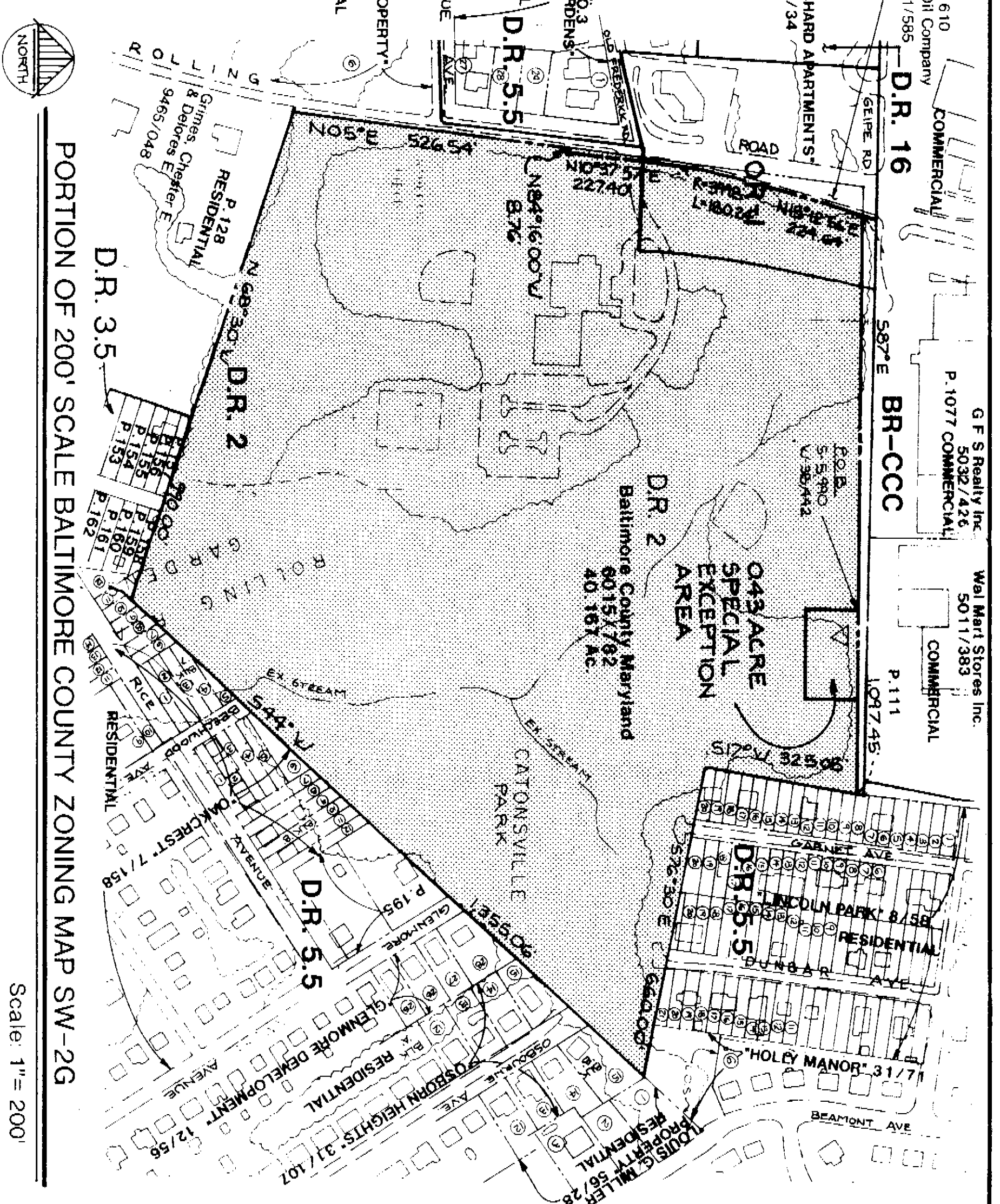
BR-CCC



SITE DETAIL

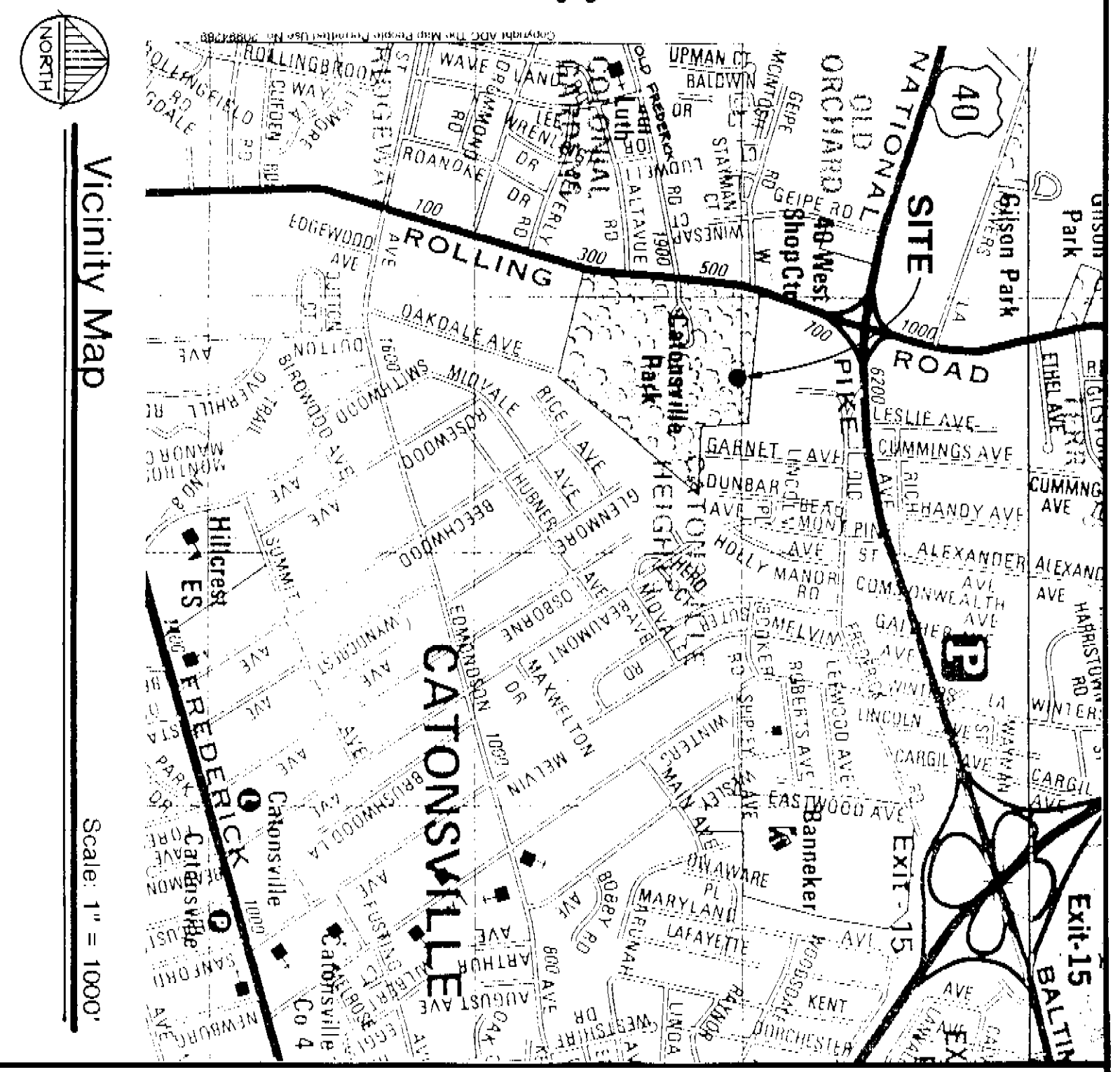
Scale: 1" = 20'

Baltimore County Maryland
6015/782



PORTION OF 200' SCALE BALTIMORE COUNTY ZONING MAP SW-26

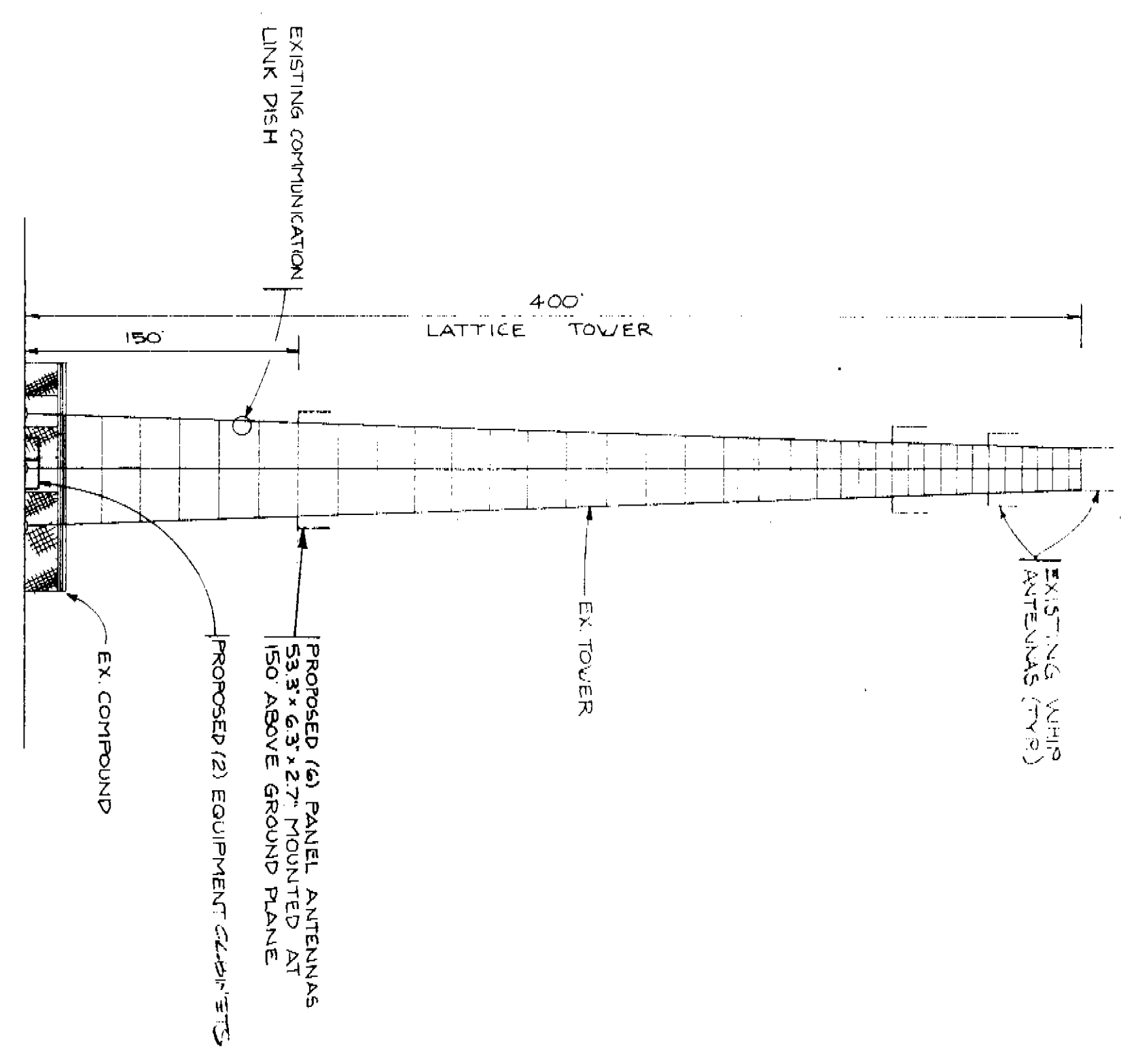
Scale: 1" = 200'



Vicinity Map

Scale: 1" = 1000'

EXISTING TOWER ELEVATION
N.T.S.



96-35-XA³³

Revised Zoning Ordinance

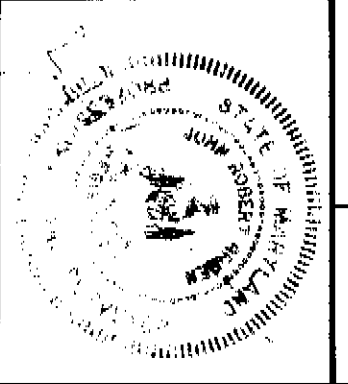
Project: 96-35-XA³³
Date: 7/19/95
Scale: As Shown

No.	Description	Date
1	Original	7/19/95
2	Revised	7/19/95
3	Revised	7/19/95
4	Revised	7/19/95
5	Revised	7/19/95
6	Revised	7/19/95
7	Revised	7/19/95
8	Revised	7/19/95
9	Revised	7/19/95
10	Revised	7/19/95
11	Revised	7/19/95
12	Revised	7/19/95
13	Revised	7/19/95
14	Revised	7/19/95
15	Revised	7/19/95
16	Revised	7/19/95
17	Revised	7/19/95
18	Revised	7/19/95
19	Revised	7/19/95
20	Revised	7/19/95
21	Revised	7/19/95
22	Revised	7/19/95
23	Revised	7/19/95
24	Revised	7/19/95
25	Revised	7/19/95
26	Revised	7/19/95
27	Revised	7/19/95
28	Revised	7/19/95
29	Revised	7/19/95
30	Revised	7/19/95
31	Revised	7/19/95
32	Revised	7/19/95
33	Revised	7/19/95
34	Revised	7/19/95
35	Revised	7/19/95
36	Revised	7/19/95
37	Revised	7/19/95
38	Revised	7/19/95
39	Revised	7/19/95
40	Revised	7/19/95
41	Revised	7/19/95
42	Revised	7/19/95
43	Revised	7/19/95
44	Revised	7/19/95
45	Revised	7/19/95
46	Revised	7/19/95
47	Revised	7/19/95
48	Revised	7/19/95
49	Revised	7/19/95
50	Revised	7/19/95
51	Revised	7/19/95
52	Revised	7/19/95
53	Revised	7/19/95
54	Revised	7/19/95
55	Revised	7/19/95
56	Revised	7/19/95
57	Revised	7/19/95
58	Revised	7/19/95
59	Revised	7/19/95
60	Revised	7/19/95
61	Revised	7/19/95
62	Revised	7/19/95
63	Revised	7/19/95
64	Revised	7/19/95
65	Revised	7/19/95
66	Revised	7/19/95
67	Revised	7/19/95
68	Revised	7/19/95
69	Revised	7/19/95
70	Revised	7/19/95
71	Revised	7/19/95
72	Revised	7/19/95
73	Revised	7/19/95
74	Revised	7/19/95
75	Revised	7/19/95
76	Revised	7/19/95
77	Revised	7/19/95
78	Revised	7/19/95
79	Revised	7/19/95
80	Revised	7/19/95
81	Revised	7/19/95
82	Revised	7/19/95
83	Revised	7/19/95
84	Revised	7/19/95
85	Revised	7/19/95
86	Revised	7/19/95
87	Revised	7/19/95
88	Revised	7/19/95
89	Revised	7/19/95
90	Revised	7/19/95
91	Revised	7/19/95
92	Revised	7/19/95
93	Revised	7/19/95
94	Revised	7/19/95
95	Revised	7/19/95
96	Revised	7/19/95
97	Revised	7/19/95
98	Revised	7/19/95
99	Revised	7/19/95
100	Revised	7/19/95

American Personal Communications
Site Plan to Accompany Petition for Special Exception And Variance
Catonsville Site
1st Election District

Baltimore County, Maryland

DMW
A Team of Land Planners
Landscape Architects
Environmental Programmers
200 E. Baltimore Avenue
Baltimore, MD 21202
Tel: 781-233-2333
Fax: 781-233-2333



IN RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE - E/S Rolling Road, 850' E of West Geipe Road (Catonsville Park) 1st Election District * OF BALTIMORE COUNTY 1st Councilmanic District * Case No. 96-35-XA Baltimore County, Maryland - Owners; American PCS, L.P. - Contract Lessee - Petitioners

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter comes before the Zoning Commissioner as Petitions for Special Exception and Variance for that property known as Catonsville Park, located on the east side of Rolling Road at West Geipe Road in the vicinity of Baltimore National Pike in Catonsville. The Petitions were filed by the owners of the property, Baltimore County, Maryland, a body politic, and the Contract Lessee, American PCS, L.P., hereinafter referred to as APC, by Margaret C. Ruggieri, Esquire, through their attorney G. Scott Barhight, Esquire. The Petitioners seek a special exception to permit a wireless transmitting and receiving facility to be located on the subject property adjacent to an existing one-story equipment shelter. Also requested is a Petition for Variance seeking relief from Section 1801.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building. The subject property and relief sought are more particularly described on the site plan submitted which was accepted into evidence as Petitioner's Exhibit 1A.

This matter came in for a public hearing before this Zoning Commissioner as a combined case with six other Petitions filed by APC. Each of the seven cases included requests for zoning relief pursuant to the applicable provisions of the B.C.Z.R. At the hearings, testimony was

received from Gregory Sarro, a Zoning Administrator for APC. Also present in support of the Petitions were Melanie Moser, a Consultant with Daft-McCune-Walker, Inc., and Andrew Wernick, an electrical engineer with Moffit, Larson & Johnson, a site acquisition consulting firm. The Petitioner was represented by Christine K. McSherry, Esquire. Appearing as an interested party was Robert Hocutt, a representative of the Greater Patapsco Community Association.

In the site specific request by APC for the subject site, there was no specific opposition, although testimony was generally received in opposition to the request from J. A. Mann, Kenneth Bosley, K. Webster Bosley, and Kerry Bosley, who reside in the Sparks area of northern Baltimore County.

The subject Petition is another in a series of Petitions recently considered by this Zoning Commissioner on behalf of APC. As recounted in prior decisions of this office, APC is a communications company which is a new entrant in the field of wireless communications in the Baltimore-Washington demographic area. APC specializes in wireless communications, including telephone, facsimile, and computer transmissions. The company employs a state-of-the-art technology to serve its clientele. One of the features of the company's communications network is the ability of mobile users to utilize the company's services. In order to provide such service, the company is establishing a grid of inter-connecting wireless facilities. Each grid serves a specific geographic area. As a user passes from one geographic area to another adjoining area, his transmission is handed off from one facility to the next. In order to establish this capability, the company must install its wireless transmitting and receiving antennae in select areas to insure a continuous and unbroken line of

communication. At the Catonsville site, the Petitioner proposes to install its antennae on an existing tower owned by Baltimore County. This tower is 100 feet in height and is located in the vicinity of Catonsville Park on land zoned D.R. 2. The tower is utilized by Baltimore County for its public needs. The Petitioners propose to install six panel antennae on the tower at a height above ground level of approximately 150 feet, roughly 1/3 the height of the tower. The antennae will be situated on the tower so as to provide service in a 360 degree range to the surrounding grid. These antennae are 53.3 inches tall, 6.3 inches wide, and 2.7 inches deep. Two small equipment cabinets will be installed at the base of the tower to provide electrical service and equipment to the antennae. The facility will be unmanned but for routine maintenance inspections.

Testimony received from Mr. Gregory Sarro of APC fully described the general and site specific details of APC's operation. He noted that the company has been in business for approximately six years and is duly licensed by the Federal Communications Commission (FCC). Mr. Sarro described the interlocking grid system as set forth above. He noted that each grid will cover an area approximately five miles in radius, and that a facility is needed in the Catonsville area in the vicinity of the subject site. He also noted that the antennae fully comply with all FCC safety standards and guidelines. Specifically, there will be no interference with microwave, radio, television, or other transmissions and there is no danger to public health, welfare, or safety.

Testimony was also received from Melanie Moser, a landscape architect with Daft-McCune-Walker, Inc. She corroborated the testimony offered by Mr. Sarro regarding the benign effects of the proposed facility on the surrounding locale.

A packet of information was submitted and marked into evidence as Petitioner's Exhibit 1, which fully depicts the antennae and contains photographs of the existing tower on this site. An environmental effects statement was also received (Petitioner's Exhibit 5E) which concludes that there will be no detrimental effect upon the surrounding locale.

Wireless transmitting and receiving facilities are permitted in a D.R. zone by special exception. Moreover, the B.C.Z.R. encourage industries in this field to utilize existing towers. The installation of antennae on existing buildings and towers minimizes the construction of unsightly monopoles throughout the skyline of Baltimore County.

After due consideration of the testimony and evidence presented, it is clear that the proposed wireless transmitting and receiving facility at the Catonsville location will not be detrimental to the health, safety or general welfare of the community. The evidence was overwhelming to support a finding that the inherent effects of the proposed facility are no greater at this location than if the facility was located elsewhere within the zone. It is clear that the Petitioner has satisfied the requirements of Section 502.1 of the B.C.Z.R. and that the Petition for Special Exception should be granted. See *Schultz v. Pritts*, 291, Md. 1 (1971).

The Petition for Variance should also be granted. In this case, the Petitioner requests relief to allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building. The unique characteristic of this property is the location of the existing tower. Again, the B.C.Z.R. expresses a preference for the installation of antennae on existing structures. Relocation of the tower elsewhere on the site is illogical and impractical. Based on the testimony and evidence offered, I am persuaded that the Petitioners have satisfied the require-

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

ments of Section 307.1 of the B.C.Z.R. and that the relief requested should be granted.

Pursuant to the advertisement, posting of the property, and public hearing on these Petitions held, and for the reasons set forth above, the special exception and variance relief should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 25th day of October, 1995 that the Petition for Special Exception to permit a wireless transmitting and receiving facility to be located on an existing tower on the subject property, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED; and,

IT IS FURTHER ORDERED that the Petition for Variance seeking relief from Section 1801.2.C.1.a of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building, in accordance with Petitioner's Exhibit 1A, be and is hereby GRANTED, subject to the following restriction:

- 1) The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the relief granted herein shall be rescinded.

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

Baltimore County Government Zoning Commissioner Office of Planning and Zoning

Suite 112 Courthouse
400 Washington Avenue
Towson, MD 21204

October 25, 1995

(410) 887-4366

G. Scott Barhight, Esquire
Christine K. McSherry, Esquire
Whiteford, Taylor & Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: PETITIONS FOR SPECIAL EXCEPTION AND VARIANCE
E/S Rolling Road, 850' E of West Geipe Road
(Catonsville Park)
1st Election District - 1st Councilmanic District
Baltimore County, Maryland - Owners, and
American PCS, L.P. - Contract Lessee - Petitioners
Case No. 96-35-XA

Dear Mr. Barhight & Ms. McSherry:

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petitions for Special Exception and Variance have been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact the Zoning Administration and Development Management office at 887-3391.

Very truly yours,

Lawrence E. Schmidt
LAWRENCE E. SCHMIDT
Zoning Commissioner
for Baltimore County

LES:bjs

cc: Mr. Fred Homan, Director, Baltimore County Budget Office

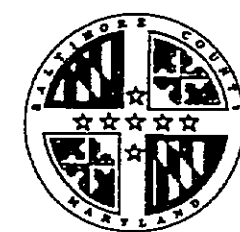
Margaret C. Ruggieri, Esquire, American PCS, L.P. 20817

One Democracy Ctr., 6901 Rockledge Drive, Bethesda, Md. 20817

Mr. Robert Hocutt, Greater Patapsco Community Assoc. 21244

2615 Ridge Road, Baltimore, Md. 21244

People's Counsel; Case file



Petition for Special Exception to the Zoning Commissioner of Baltimore County for the property located at East side of Rolling Road; 850' East of the Intersection of Rolling Road and West Geipe Road which is presently zoned D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Special Exception under the Zoning Regulations of Baltimore County, to use the herein described property for

Wireless transmitting and receiving facility

Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Special Exception advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

Contract Purchaser/Lessee:
Margaret C. Ruggieri, Esq. for
American PCS, L.P.
Baltimore County, Maryland

(Type or Print Name)
Margaret C. Ruggieri / smm
Signature
One Democracy Center
6901 Rockledge Drive
Bethesda, MD 20817

City State Zipcode
Bethesda, MD 20817

Address Phone No.
401 Bosley Avenue
Towson, MD 21286

City State Zipcode
Towson, MD 21204 (410) 832-2000

Address Phone No.
210 W. Pennsylvania Avenue
Towson, MD 21204 (410) 832-2000

City State Zipcode
Towson, MD 21204 (410) 832-2000

Address Phone No.
210 W. Pennsylvania Avenue
Towson, MD 21204 (410) 832-2000

City State Zipcode
Towson, MD 21204 (410) 832-2000

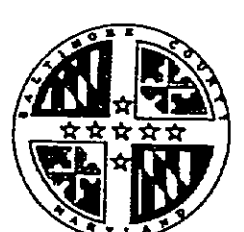
Address Phone No.
210 W. Pennsylvania Avenue
Towson, MD 21204 (410) 832-2000

City State Zipcode
Towson, MD 21204 (410) 832-2000

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

DROP-OFF
NO REVIEW
7/26/95
WCR

Zoning Administration
& Development Management



Petition for Variance to the Zoning Commissioner of Baltimore County for the property located at East side of Rolling Road; 850' East of the Intersection of Rolling Road and West Geipe Road which is presently zoned D.R.2

This Petition shall be filed with the Office of Zoning Administration & Development Management. The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section (s) 1801.2.C.1.a of the Baltimore County Zoning Regulations to allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building. Contract lease negotiations are ongoing between Petitioner, American Personal Communications, and the legal Owner, Baltimore County. Baltimore County agrees to the submission of this petition. American Personal Communications understands that it may not obtain a lease for this site, and is proceeding with this petition at its own risk.

Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

To be presented at hearing.

Contract Purchaser/Lessee:
Margaret C. Ruggieri, Esq. for
American PCS, L.P.
Baltimore County, Maryland

(Type or Print Name)
Margaret C. Ruggieri / smm
Signature
One Democracy Center
6901 Rockledge Drive
Bethesda, MD 20817

City State Zipcode
Bethesda, MD 20817

Address Phone No.
401 Bosley Avenue
Towson, MD 21286

City State Zipcode
Towson, MD 21204 (410) 832-2000

Address Phone No.
210 W. Pennsylvania Avenue
Towson, MD 21204 (410) 832-2000

City State Zipcode
Towson, MD 21204 (410) 832-2000

Address Phone No.
210 W. Pennsylvania Avenue
Towson, MD 21204 (410) 832-2000

City State Zipcode
Towson, MD 21204 (410) 832-2000

Address Phone No.
210 W. Pennsylvania Avenue
Towson, MD 21204 (410) 832-2000

City State Zipcode
Towson, MD 21204 (410) 832-2000

ORDER RECEIVED FOR FILING
Date 11/25/95
By [Signature]

DROP-OFF
NO REVIEW
7/26/95
WCR

Zoning Administration
& Development Management

DMW

Duff-N-Cume-Walker, Inc.

200 East Pennsylvania Avenue
Towson, Maryland 21204
410-296-3333
Fax: 296-4795

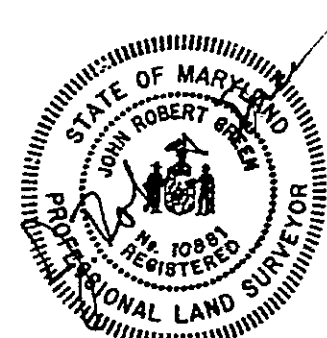
A Team of Land Planners,
Landscape Architects,
Engineers, Surveyors &
Environmental Professionals

Beginning for the same at the end of the two following courses and distances measured from the intersection of the centerline of Rolling Road with the centerline of Old Frederick Road (1) Northeasterly along the centerline of Rolling Road 430 feet, more or less, thence leaving said centerline (2) South 87 degrees 00 minutes 00 seconds East 800 feet, more or less, to the point of beginning, said point of beginning having coordinate values North 5990 feet, more or less, and West 38442 feet, more or less, said values being referred to the coordinate system established in the Baltimore County Metropolitan District, thence leaving said beginning point and running the four following courses and distances, viz: (1) South 87 degrees 00 minutes 00 seconds East 180.00 feet, thence (2) South 03 degrees 00 minutes 00 seconds West 105.00 feet, thence (3) North 87 degrees 00 minutes 00 seconds West 180.00 feet, thence (4) North 03 degrees 00 minutes 00 seconds East 105.00 feet to the point of beginning, containing 0.43 acres of land, more or less.

THIS DESCRIPTION HAS BEEN PREPARED FOR ZONING PURPOSES ONLY AND IS NOT INTENDED TO BE USED FOR CONVEYANCE.

July 21, 1995

Project No. 94123.71



CERTIFICATE OF POSTING
ZONING DEPARTMENT OF BALTIMORE COUNTY
Towson, Maryland

District: _____ Date of Posting: 7/19/95
Posted for: Special Exception to Varnum
Petitioner: R. L. R. Co., MD.
Location of property: 8501 E. of Rolling Rd. at G. Rd. R. 4
Location of Sign: Rolling Rd. at G. Rd. R. 4
Remarks: _____
Posted by: [Signature] Date of return: 7/25/95
Number of Signs: 1

CERTIFICATE OF PUBLICATION

TOWSON, MD., Aug 11, 1995

THIS IS TO CERTIFY, that the annexed advertisement was published in THE JEFFERSONIAN, a weekly newspaper published in Towson, Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing on Aug 10, 1995.

THE JEFFERSONIAN,

A. Henrichson
LEGAL AD. - TOWSON

NOTICE OF HEARING
The Zoning Commission of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 at 11:00 a.m. on September 6, 1995 at:
Case: #96-35-XA
(Item 33)
8501 E. of Intersection Rolling Road and Gelpo Road
(in Election District 1st Councilmanic Legal Owner: Baltimore County Maryland Lessee: American PCS, L.P.)
Special Exception for a wireless transmitting and receiving facility. Variance to allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building.
LAWRENCE E. SCHMIDT
Zoning Commissioner for Baltimore County
NOTES: (1) Hearings are held on Wednesdays at 11:00 a.m. in Room 106 of the County Office Building. For special accommodations, please call 887-3391.
(2) Offer information concerning the hearing, please call 887-3391.
8/3/95 Aug. 10.

BALTIMORE COUNTY, MARYLAND
OFFICE OF FINANCE - REVENUE DIVISION
MISCELLANEOUS CASH RECEIPT
154299
76-35-XA
Drop-Off; No Review
DATE: 7/26/95 ACCOUNT: 9 001-6150
AMOUNT: \$ 620.00 (WCR)
RECEIVED FROM: American PCS, L.P.
FOR: \$050 - SPECIAL EXCEPTION
\$020 - VARIANCE
\$080 - SIGN POSTING (2)
Rolling Road
C1431894-28M1CHRC \$620.00
VALIDATION OR SIGNATURE OF CARRIER
UNIT NUMBER FIVE AGENCY YELLOW-CUSTOMER

111 West Chesapeake Avenue
Towson, MD 21204

887-3610

August 10, 1995

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County, will hold a public hearing on the property identified herein in Room 106 of the County Office Building, 111 W. Chesapeake Avenue in Towson, Maryland 21204 or Room 118, Old Courthouse, 400 Washington Avenue, Towson, Maryland 21204 as follows:

CASE NUMBER: 96-35-XA (Item 33)
8501 E. of Intersection Rolling Road and Gelpo Road
1st Election District - 1st Councilmanic
Legal Owner: Baltimore County Maryland
Lessee: American PCS, L.P.
HEARING: WEDNESDAY, SEPTEMBER 6, 1995 at 11:00 a.m. in Room 106, County Office Building.

Special Exception for a wireless transmitting and receiving facility.
Variance to allow a front yard setback of 17 feet in lieu of the required 60 feet for a non-residential principal building.

Arnold Jablon
Director
Department of Permits and Development Management

NOTES: (1) ZONING SIGN & POST MUST BE RETURNED TO RM. 104, 111 W. CHESAPEAKE AVENUE ON THE HEARING DATE.
(2) HEARINGS ARE HANDICAPPED ACCESSIBLE; FOR SPECIAL ACCOMMODATIONS PLEASE CALL 887-3391.
(3) FOR INFORMATION CONCERNING THE FILE AND/OR HEARING, CONTACT THIS OFFICE AT 887-3391.



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

September 1, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor and Preston
210 W. Pennsylvania Avenue
Towson, Maryland 21204

RE: Item No.: 33
Case No.: 96-35-XA
Petitioner: American Personal
Communications

Dear Mr. Barhight:

The Zoning Advisory Committee (ZAC), which consists of representatives from Baltimore County approval agencies, has reviewed the plans submitted with the above referenced petition, which was accepted for processing by Permits and Development Management (PDM), Zoning Review, on July 26, 1995.

Any comments submitted thus far from the members of ZAC that offer or request information on your petition are attached. These comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties (zoning commissioner, attorney, petitioner, etc.) are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case. Only those comments that are informative will be forwarded to you; those that are not informative will be placed in the permanent case file.

If you need further information or have any questions regarding these comments, please do not hesitate to contact the commenting agency or Joyce Watson in the zoning office (887-3391).

Sincerely,
W. Carl Richards, Jr.

W. Carl Richards, Jr.
Zoning Supervisor

MCR/jw
Attachment(s)



Maryland Department of Transportation
State Highway Administration

David L. Winstead
Secretary
Hal Kassoff
Administrator

8-7-95

Ms. Joyce Watson
Baltimore County Office of
Permits and Development Management
County Office Building, Room 109
Towson, Maryland 21204

RE: Baltimore County
Item No. 033 (WCR)

Dear Ms. Watson:

This office has reviewed the referenced item and we have no objection to approval as it does not access a State roadway and is not affected by any State Highway Administration projects.

Please contact Bob Small at 410-333-1350 if you have any questions.

Thank you for the opportunity to review this item.

Very truly yours,

for Bob Small
Ronald Burns, Chief
Engineering Access Permits
Division

BS/es

My telephone number is _____

Maryland Relay Service for Impaired Hearing or Speech
1-800-735-2258 Statewide Toll Free

Mailing Address: P.O. Box 717 • Baltimore, MD 21203-0717
Street Address: 707 North Calvert Street • Baltimore, Maryland 21202

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and
Development Management

DATE: August 8, 1995

FROM: Pat Keller, Director
Office of Planning and Zoning

SUBJECT: Petitions from Zoning Advisory Committee

The Office of Planning and Zoning has no comments on the following petition(s):

Item Nos. 26, 31, 32, 33, 34, 35, 36, 37, 38, 41, 43, 44, 45, 46, 48, 49, 50, 51, 53, and 54.

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3480.

Prepared by: Jeffrey W. Long

Division Chief: Cary L. Pano

PK/JL

ITEM#6/PZONE/ZAC1

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Arnold Jablon, Director
Zoning Administration and Development Management

DATE: August 14, 1995

FROM: Robert W. Bowling, P.E., Chief
Development Plans Review

RE: Zoning Advisory Committee Meeting
for August 14, 1995
Items 030, 031, 032, 033, 034, 035, 036, 037, 041 and 042

The Development Plans Review Division has reviewed the subject zoning items and we have no comments.

RWB:sw

700 East Joppa Road, Suite 901
Towson, MD 21286-5500

(410) 887-4500

DATE: 08/08/95

Arnold Jablon
Director
Zoning Administration and
Development Management
Baltimore County Office Building
Towson, MD 21204
MAIL STOP-1105

RE: Property Owner: SEE BELOW

LOCATION: DISTRIBUTION MEETING OF AUGUST 07, 1995.

Item No.: SEE BELOW Zoning Agenda:

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

B. The Fire Marshal's Office has no comments at this time.
IN REFERENCE TO THE FOLLOWING ITEM NUMBERS: 28, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 41 AND 42.

REVIEWER: LT. ROBERT P. SAUERWALD
Fire Marshal Office. PHONE 887-4881. MS-1102F

cc: File

RECEIVED
AUG 11 1995
ZADM

BALTIMORE COUNTY, MARYLAND
INTER-OFFICE CORRESPONDENCE

TO: Virginia W. Barnhart, County Attorney
Office of Law

Arnold Jablon, Director
Permits & Development Management

FROM: Fred Homan
Office of the Budget

DATE: August 9, 1995

SUBJECT: Leasing of Tower Sites

As you are aware, APC is interested in locating on the following four 800 MHz communications towers: Red Run, North Point, Spook Hill and Catonsville. While such an arrangement is acceptable at these sites, the 800 MHz Committee has established the following requirements for all interested proposers. For your information, an APC representative had been made aware of these requirements a little more than a year ago.

1. A detailed RF inter-modulation study must be conducted by a reputable licensed Radio System Engineer or Engineering Company. This study must take into consideration all existing frequencies in use at the site, i.e., 800 MHz and 6 GHz microwave, and all future County frequencies to be used at the site. Additionally, any frequencies used by other leasing parties must be figured into the inter-modulation studies. The calculation must be performed to the seventh (7th) order.
2. A tower structural analysis based on the existing hardware load and the proposed maximum hardware load. The analysis must be completed by a licensed structural engineering firm experienced in communications tower structural analysis. All current loads will be taken into consideration. This includes (per tower) six (6) Sinclair SRL-480's, two each tower top amplifiers and six (6) runs of 1 5/8" LDF transmission line, line hangers, antennae mounts, etc. One additional SRL-480, attendant transmission line and mounting hardware will be needed to add the County's 5-channel system to each site. At this time, all cable ladders are filled to capacity; therefore, the increased tower loading presented by the addition of another ladder will require consideration in the loading calculations.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 2

The County has used the services of the following company:

Neubauer & Sohn Consulting Engineers, Inc.
7825 Tuckerman Lane
Potomac, MD 20854
(301) 295-7617

When the coverage analysis and inter-modulation studies have been completed, and the proposer has decided which tower(s) will meet their system requirements, the County's Electronic Services Division will furnish the tower manufacturer's structural data.

- 3) As required, the proposer constructs their own equipment shelter and installs their own electrical and telephone service. The proposer will adhere to all applicable electrical and telephone installation codes.
 - 4) The proposer secures all necessary building permits, and constructs a building which meets and or exceeds all building codes.
 - 5) The proposer employs a tower hardware installation company which is approved by the County, or uses the County's contractor.
- The County's contractor is:
- U.S. Towers
5263 Argo Drive
Frederick, MD 21701
(301) 874-5885
- 6) The proposer repairs and/or replaces the existing site grounding system if said system is damaged in any way by the building or bonding process. The County will test its grounding system prior to and following construction. If so desired, this can be performed with the proposer's representative(s) in attendance.
 - 7) The proposer must install all equipment in compliance with the Motorola fixed network equipment quality standards R-56, and any and all applicable electrical and building codes.

Virginia Barnhart & Arnold Jablon
Leasing Tower Sites
August 9, 1995
Page 3

Please understand that in citing the aforementioned requirements, this office is not approving the consideration offered by APC. It is assumed that the Office of Law will otherwise be responsible for negotiation of a lease agreement.

Finally, the Department of Public Works should be contacted for information on special requirements related to the water tanks identified by APC.

FH:nav

c: Merreen E. Kelly
W. Michael Pitcher



Baltimore County
Department of Permits and
Development Management

Development Processing
County Office Building
111 West Chesapeake Avenue
Towson, Maryland 21204

August 15, 1995

G. Scott Barhight, Esquire
Whiteford, Taylor, and Preston
210 West Pennsylvania Avenue
Towson, MD 21204

RE: Preliminary Petition Review (Item #33)
1st Election District

Dear Mr. Barhight:

At the request of the attorney/petitioner, the above referenced petition was accepted for filing without a final filing review by the staff. The plan was accepted with the understanding that all zoning issues/filing requirements would be addressed. A subsequent review by the staff has revealed unaddressed zoning issues and/or incomplete information. The following comments are advisory and do not necessarily identify all details and inherent technical zoning requirements necessary for a complete application. As with all petitions/plans filed in this office, it is the final responsibility of the petitioner to make a proper application, address any zoning conflicts and, if necessary, to file revised petition materials. All revisions (including those required by the hearing officer) must be accompanied by a check made out to Baltimore County, Maryland for the \$100.00 revision fee.

1. Plat says zoning is D.R.-2 and O.R.-1; petition says zoning is only D.R.-2. Add "O.R.-1" to the petition forms.
2. Need title of Baltimore County official (owner) and telephone number.
3. Need setback variance per Section 502.7.C.
4. Need prior hearing information for "existing 400" lattice tower.

If you need further information or have any questions, please do not hesitate to contact me at 887-3391.

Very truly yours,

John J. Sullivan, Jr.
Planner II
Zoning Review

Enclosure (receipt)

c: Zoning Commissioner

RE: PETITION FOR SPECIAL EXCEPTION
PETITION FOR VARIANCE
880' E of Intersection Rolling Road and
Geige Road, 1st Election District,
1st Councilmanic
Legal Owner: Baltimore County Maryland
Lessee: American PCS, L.P.
Petitioners

ENTRY OF APPEARANCE

Please enter the appearance of the People's Counsel in the above-captioned matter. Notice should be sent of any hearing dates or other proceedings in this matter and of the passage of any preliminary or final Order.

Peter Max Zimmerman
PETER MAX ZIMMERMAN
People's Counsel for Baltimore County

Carole S. Demilio
CAROLE S. DEMILIO
Deputy People's Counsel
Room 47, Courthouse
400 Washington Avenue
Towson, MD 21204
(410) 887-2188

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 11th day of August, 1995, a copy of the foregoing Entry of Appearance was mailed to G. Scott Barhight, Esquire, Whiteford, Taylor & Preston, 210 W. Pennsylvania Avenue, Towson, MD 21204, attorney for Petitioners.

Peter Max Zimmerman
PETER MAX ZIMMERMAN

AUG 14 1995
DEPT. OF PERMITS & LICENSES
OF BALTIMORE COUNTY

NOTICE INFORMATION
TRANSMISSION

887-35-3A

TO: Councilman Moxley
First District

FROM: W. Carl Richards, Jr.
Zoning Supervisor
Permits & Development Management

SUBJECT: Zoning Case #96-35-XA
Item #33

As per your inquiries, I am including copies of the petition and detail of the existing tower from the site plan in zoning case #96-35-XA. Baltimore County is the legal owner and American PCS, L.P. is the contract purchaser. The petition is for a special exception for a wireless transmitting and receiving facility and setback variance. As you can see from the detail, the proposed 6-panel antennas are proposed 150 feet at the 150-foot level of a 400-foot existing tower.

If you have any further questions, you can contact this office or the attorney for this case, G. Scott Barhight at 832-2000.

WCR:scj

Enclosures

Post-it® brand fax transmittal memo 7571 1 of pages = 4
TO: COUNCILMAN MOXLEY FROM: CARL RICHARDS
Cc: PDM
Dist: First District Phone: 887-3391
Fax: 887-1012 Fax: 887-5708

LIBER 10060 PAGE 709

RW 93-283-1,-2,-3,-4
J.O. "W"
Item 1 (2)

THIS DEED OF EASEMENT AND AGREEMENT, Made this 5th day of October, in the year 1993, between LYONS HILL PARTNERSHIP, a General Partnership organized under the laws of the State of Maryland, hereinafter called "Partnership", party of the first part; and CHARLES CRANE, Mortgagee, party of the second part; and BALTIMORE COUNTY, MARYLAND, a body corporate and politic, hereinafter called "Baltimore County", party of the third part.

WHEREAS, Baltimore County is the owner of a tract of land in Baltimore County, Maryland, described in Exhibit "A", attached hereto and made a part hereof, on which it operates an emergency communication system from an Antenna Communication Tower known as the Red Run Tower Site - Remote Site No. 8 located on the Antenna Site (the "Antenna"), and

WHEREAS, the Partnership is the owner of the tract of land in Baltimore County, Maryland known as Cascades Overlook Subdivision as recorded among the Plat Records of Baltimore County in Plat Book S.M. 64, folio 126 ("Property") on which it will construct and operate apartment and condominium residences, and

WHEREAS, The Partnership desires to grant unto Baltimore County a certain easement for certain purposes as more fully set forth below on the terms and conditions herein set forth.

NOW, THEREFORE, THIS DEED OF EASEMENT AND AGREEMENT WITNESSETH that in consideration of the mutual promises and covenants herein contained the Partnership grants and conveys unto Baltimore County, its successors and assigns, an access easement of ingress and egress containing 1.5514 acres (67,579.67 sq. ft.), more or less, across the Property from the entrance on

AGRICULTURAL TRANSFER TAX
\$01

SIGNATURE DATE

RECEIVED FOR TRANSFER
State Department of
Assessments & Taxation
for Baltimore County

SIGNATURE DATE

Liberty Road Community Council, Inc.
3801 Lochearn Drive
Baltimore, MD 21207-6363
September 5, 1995

Hon. Lawrence E. Schmidt
Baltimore County Zoning Commissioner
Ste. 113 Courthouse
400 Washington Avenue
Towson, MD 21204
Dear Mr. Schmidt,



I am unable to attend the hearings relative to 96-33-A, 96-34-X, 96-35-XA, 96-36-SPHX, 96-37-XA, 96-38-SPHX, 96-39-XA, to be heard on September 5, 1995, at 11:00 A.M., wireless transmission towers.

We are particularly concerned about the proximity of these towers to homes and schools. There are three towers proposed in close proximity, on or near Liberty Road, 96-33-A, 96-38-SPHX, and 96-39-XA.

The Liberty Road Community Council, Inc., at its Board meeting on August 30, 1995, expressed concern about interference with telephone and television transmission, among other issues.

Issues involving the health of the citizenry should be open to the public in the form of a Public Hearing, prior to a zoning hearing. There has been no opportunity for information relative to the impact of these towers on health and safety.

I know, now, that the county officials are not looking out for our health and safety, or welfare, because of the lack of water for fire-fighting purposes. I am not going to rely on them in this instance, either.

The large amounts of largesse generated by these telecommunications towers must be shared by the communities. Obviously, Baltimore County Government as owner of the land, will share in these enterprises at the expense of the populace.

Liberty Road Community Council, Inc.
Page 2.

The importance of this issue is far too great and broad to be settled by zoning variances and special exceptions, alone.

Sincerely,
Judith Berger
Judith Berger, President
Liberty Road Community Council, Inc.

cc: Hon. C. "Dutch" Ruppertsberger

Hon. Kevin Kamenetz
Mr. Barry Schleifer, Liberty/Randallstown Coalition
Mrs. Ella White Campbell

Environmental Impact Statement

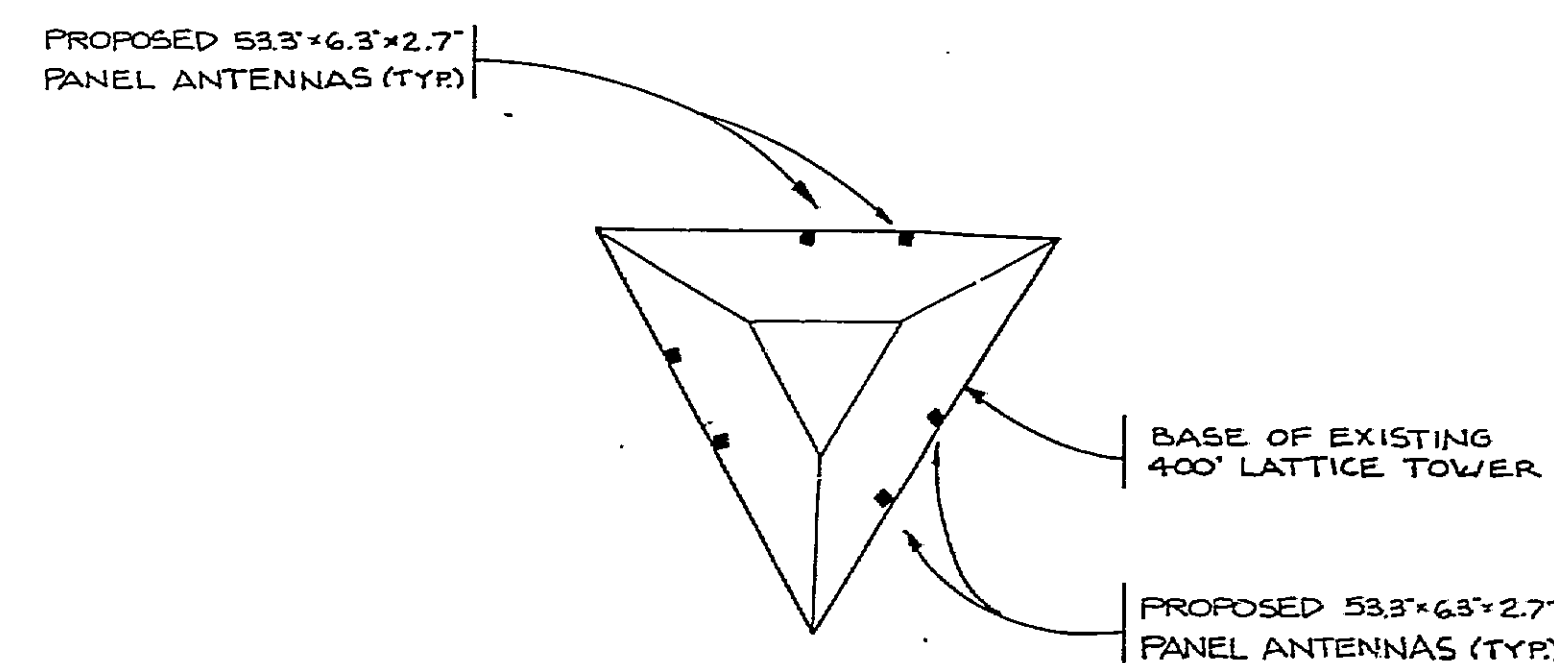
Catonsville Tower American PCS Site

August 1995
Project No. 94123.71

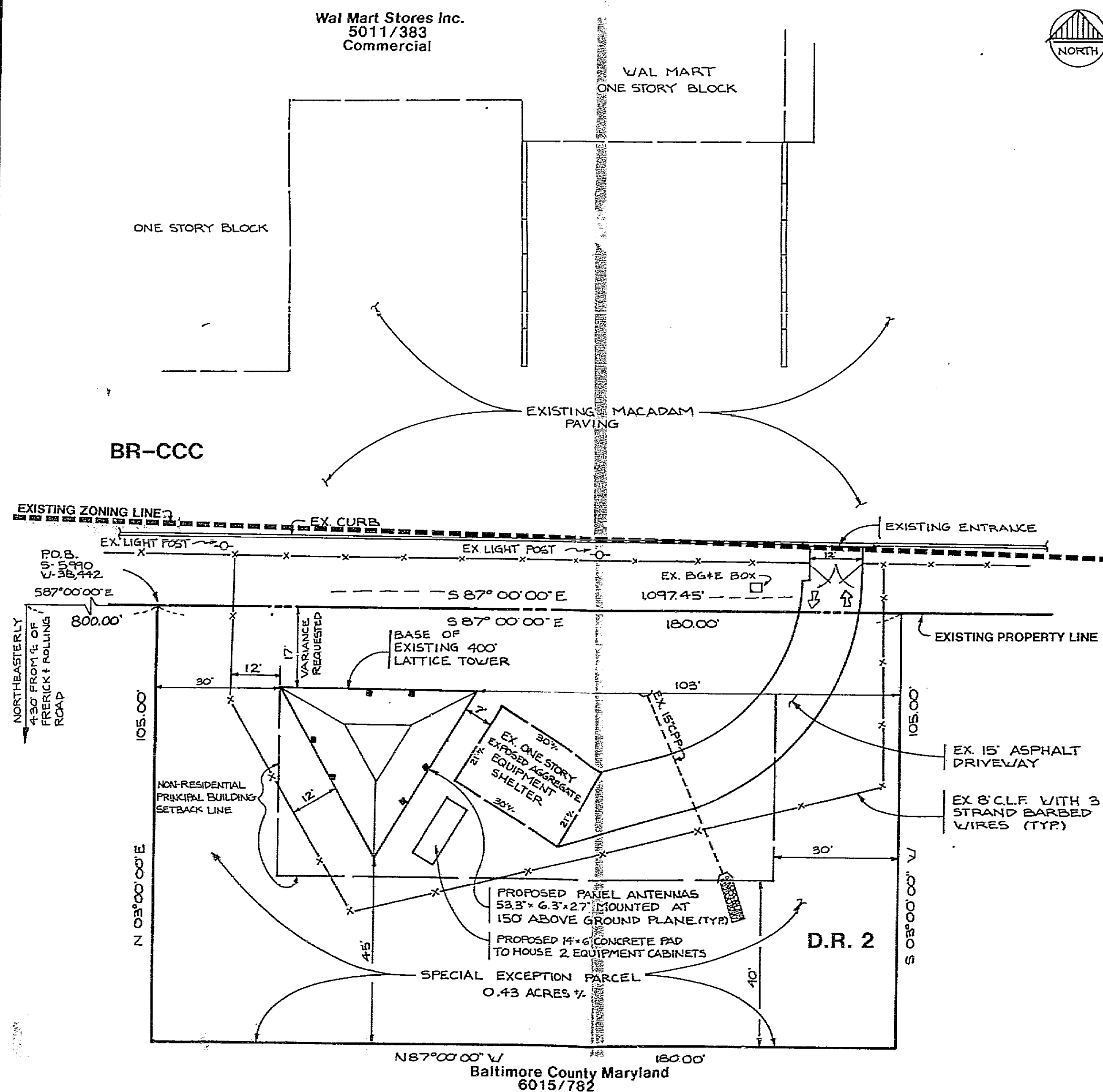
Prepared for:
American PCS, L.P.
One Democracy Center
Suite 600
6901 Rockledge Drive
Bethesda, MD 20817

DMW
Prepared by:
Daft-McCune-Walker, Inc.
200 East Pennsylvania Avenue
Towson, Maryland 21286

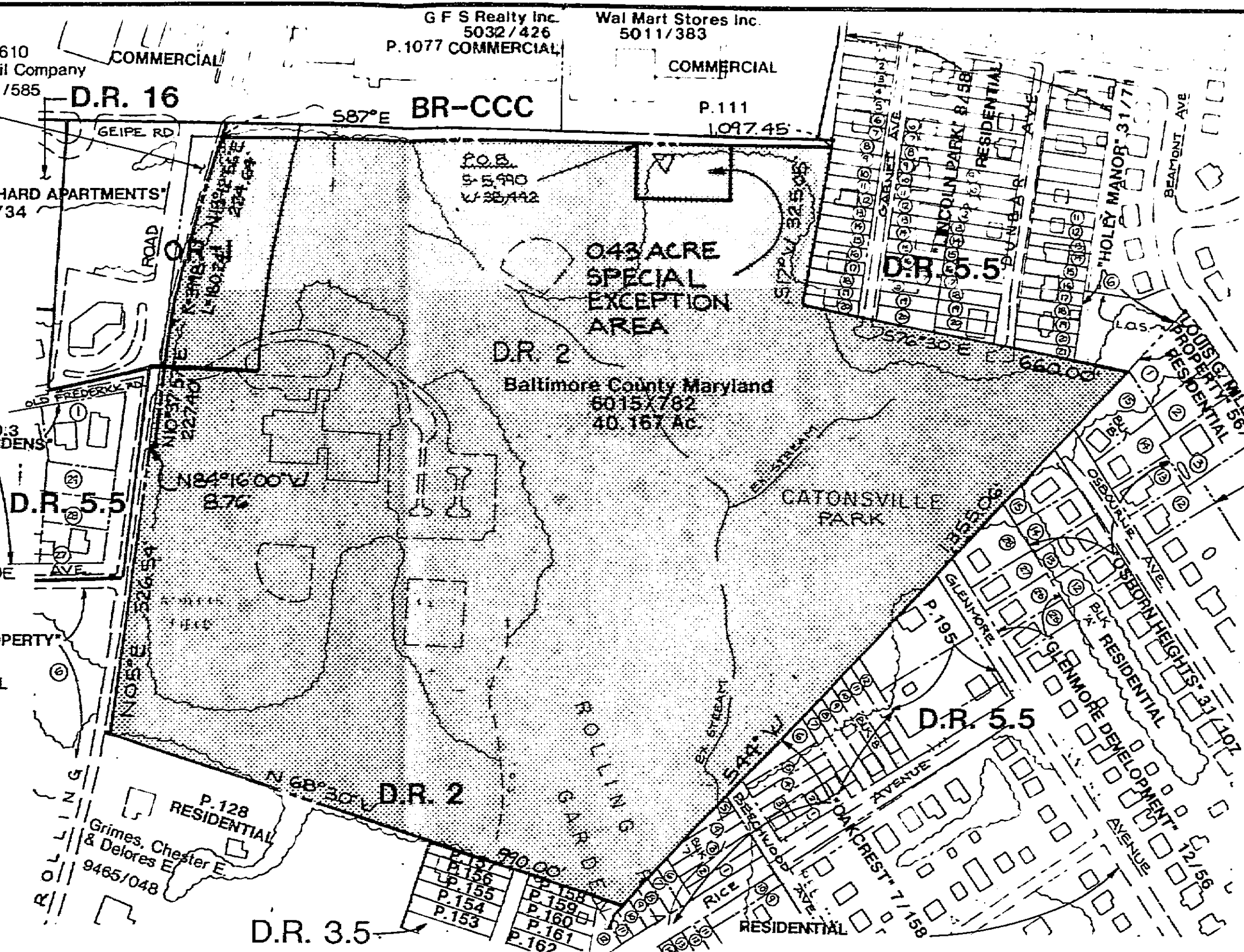
LV 5E



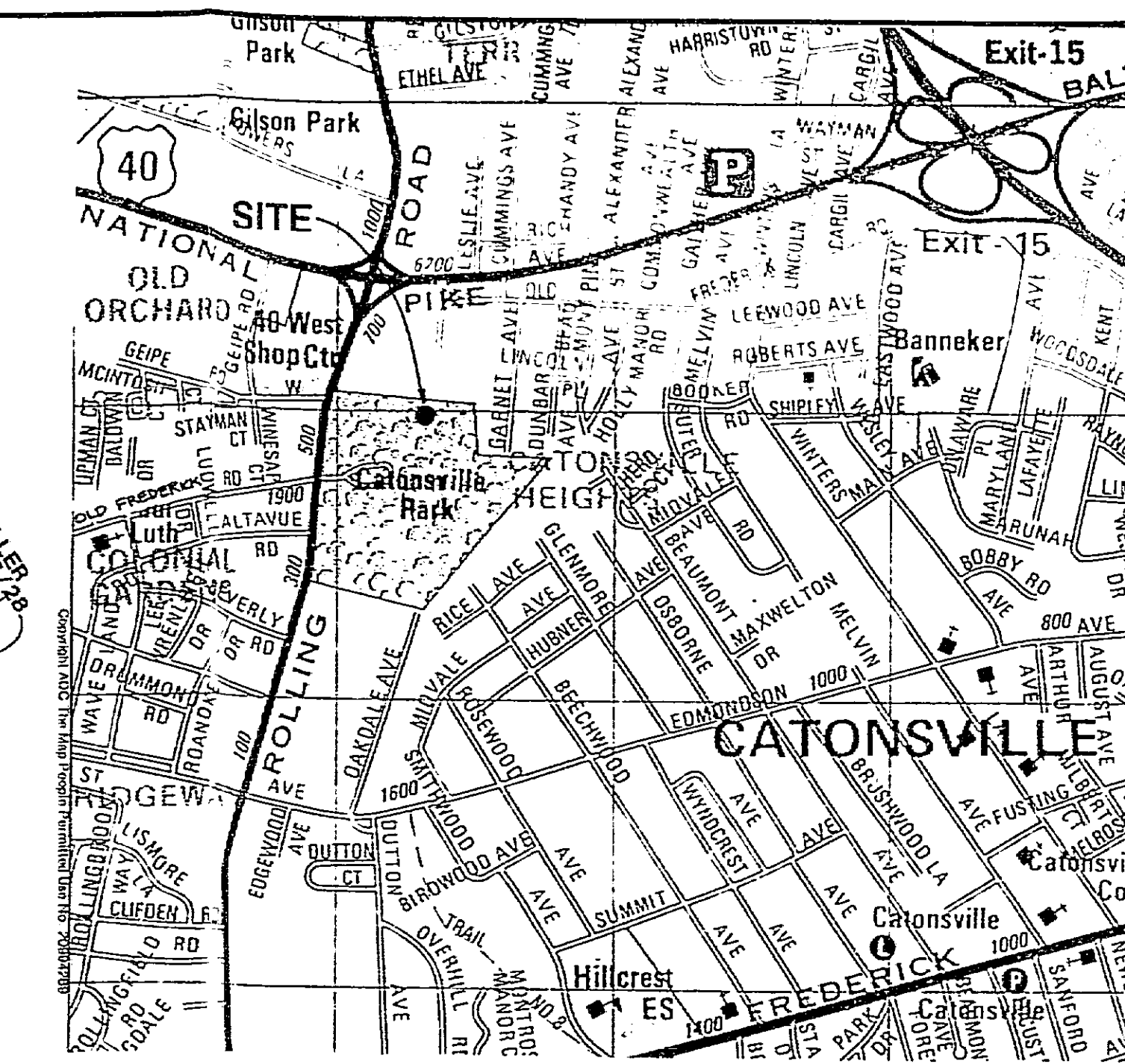
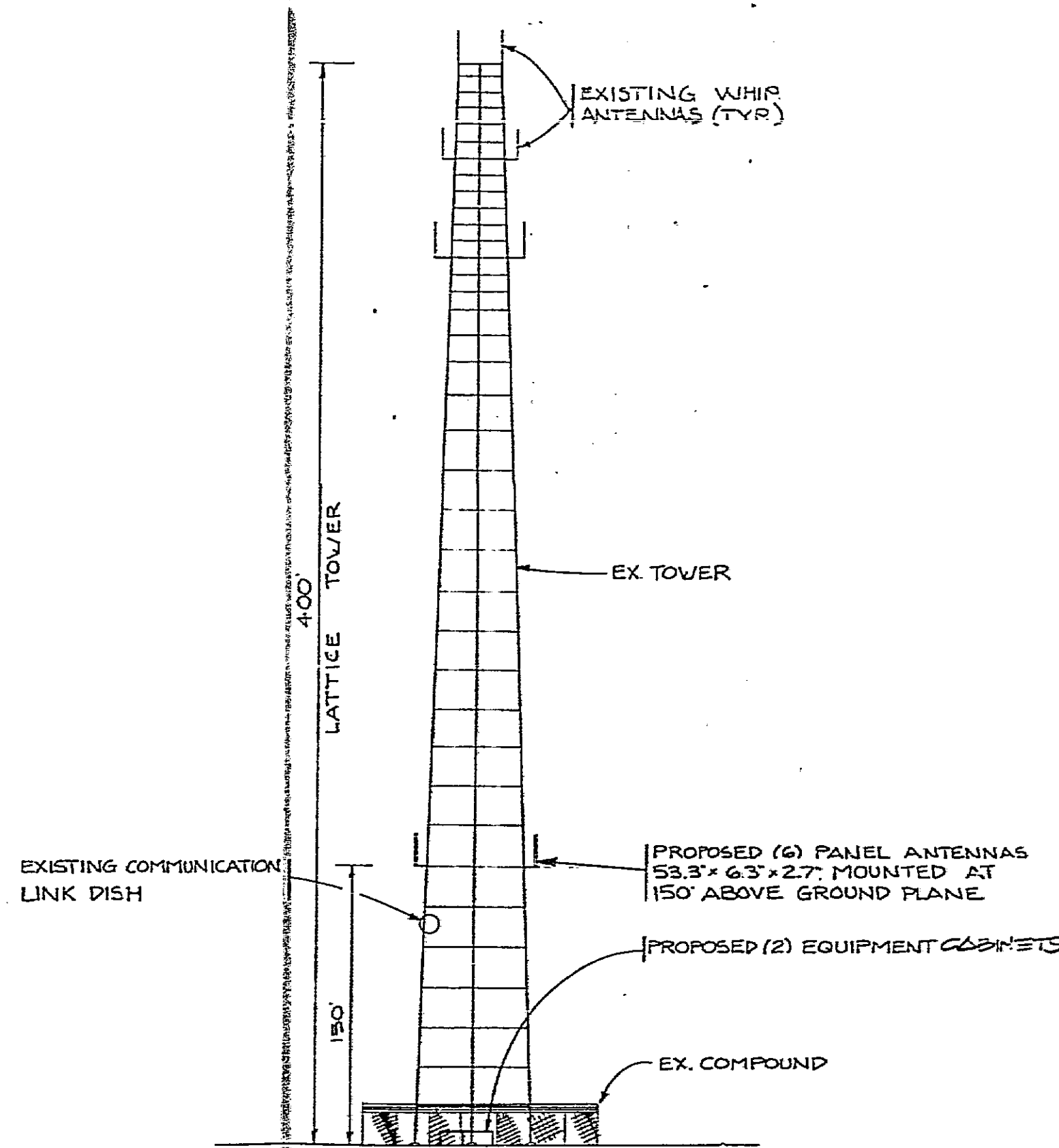
EXISTING TOWER DETAIL
Scale: 1" = 20'



SITE DETAIL
Scale: 1" = 20'



EXISTING TOWER ELEVATION
N.T.S.



- NOTES:
1. Current owner and address: Baltimore County Maryland, Our House, Baltimore, Maryland 21204.
 2. Contract lessee: American PCS, L.P., One Democracy Way, 6001 Rockledge Drive, Suite 600, Baltimore, Maryland 20817.
 3. Site area: 140,167 sq. ft.
 4. Existing use: Park.
 5. Spent Address: Parking Road 1.
 6. Site data: Tax Map 100, Block 6, Parcel 127; Tax Assessor's Office: 01/07/2004; Deed reference: 6015/782; Zoning of site: D.R. 20614; Zoning of Special Exception Parcel: D.R. 2; Councilmanic District: 31.
 7. The proposed tower-mounted wireless transmitting and receiving facility will consist of (6) panel antennas measuring 53.3' high x 6.3' wide x 2.7' deep, and (2) equipment cabinets measuring 14' high x 6' wide x 11' deep, located at base of tower.
 8. The information and boundary location shown herein have been taken from a site plan by a Professional Engineer, dated 10/1/95, sheet 1 of 1 dated October 26, 1995, and corrected from sources believed to be reliable; however their accuracy is not guaranteed and is subject to revision.
 9. Environmental protection agency standards and guidelines relating to radiation emissions shall be met at all times.
 10. No water or sanitary wastes are required for the wireless transmitting and receiving facility.
 11. No additional site or antenna lights are proposed.
 12. Zoning History: There are no prior zoning cases listed for this property.
 13. Previous Permits: There are no permits listed for this property.
 14. There are no signs proposed for this facility.
 15. Floor area ratio: N/A.
 16. Agency open space: N/A.
 17. When the use is terminated, the proposed installation shall be removed.
 18. Every five years, or sooner in the event of substantial damage, a certification by a professional engineer registered in Maryland shall be filed with the Department of Permits and Licenses indicating that the antennas, all mounting brackets and hardware meets all safety requirements. Any upgrading or maintenance required to comply with any changes in safety requirements, or to maintain the safety thereof, shall be performed prior to the filing of such certification.
 19. No white strobe/flasher lights are permitted or proposed.
 20. An environmental impact statement, as defined in Section 101 of the Baltimore County Zoning Ordinance shall be submitted to the Zoning Commissioner.
 21. Parking Required: 0 spaces. (adequate space exists inside existing compound to accommodate parking needs). The proposed wireless transmitting and receiving installation does not block or affect any existing parking spaces or drive ways.
 22. Required Principal Structure Setbacks:

Required	Proposed
Front 40'	17' (distance to driveway)
Side 30'	20' & 12'
Rear 40'	45'

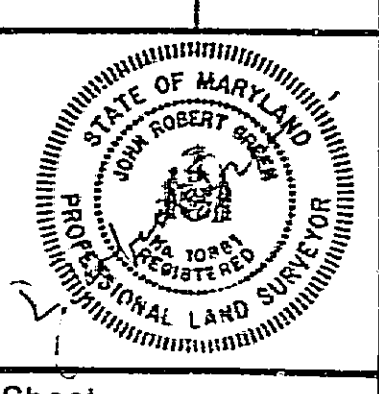
Requested Zoning Action:
 Petition for Special Exception pursuant to § 1801.1(c) to allow a wireless transmitting and receiving facility in a D.R. 2 zone.
 Petition for Variance pursuant to § 1801.3(c) to allow a front yard setback of 17 feet in lieu of the required 40 feet for a non-residential principal building.

96-35-XA³³
 PRINTED
 JUL 24 1995
 DAFT-McGONE-WALKER, INC.

DMW
 Daft McGone Walker, Inc.
 A Team of Land Planners,
 Landscape Architects,
 Engineers, Surveyors &
 Environmental Professionals
 200 E. Pennsylvania Avenue
 Towson, Maryland 21286
 (410) 286-1333
 Fax: 286-4705

American Personal Communications
 Site Plan to Accompany Petition for Special Exception and Variance
Catonsville Site
 1st Election District

No.	Description	Date
REVISIONS		
Proj. No.	94123.71	
Date	7/19/95	
Scale	As Shown	
Last Rev.		



Sheet
1 of 1